

General and Revenue Secretariat.

Serial Nos. Four

Part 12, September, 1932

SUBJECT.

Regulation I of 1932, The Mysore
Ingaah Regulation

The Secy: to the Honble the Revenue

140 POK 178 5 22.8.32

Forwards three copies of the above

M. Abdul Kader

21/ 5/ 33.

General and Revenue Secretariat,

Dated Bangalore, the

1926.

682-6/12
831.2.26

OFFICIAL MEMORANDUM.

In view of the importance of the tank system of Mysore, and the necessity for ensuring more efficient methods for the restoration of tanks, Government in their Order No.P.W.3530-36 dated 31st March 1926, directed the formation of a Tank Survey Division, for the collection of all necessary data for preparing a suitable programme for the selection of tanks for restoration or improvement in the future.

2. It was represented at the Deputy Commissioners' meetings, held at Mysore on the 17th and 18th June 1926, that, owing to want of control over the distribution of water, more land than could be cultivated with the available water supply was sown with wet crops and the ryots sustained much avoidable loss. It was further stated that there was great wastage in the use of water and that under a system of better regulation of water supply, a larger extent of land could be brought under wet cultivation than is done at present. It is also reported that the feeder channels of large tanks are usually in disrepair and that sufficient attention has not been paid to the provision of masonry madaboys etc.

3. The draft Irrigation Bill, which was published in the Mysore Gazette dated the 27th September 1923, contains necessary provisions for regulating supply of water and preventing waste, and has to be taken up for consideration and placed before the Representative Assembly and the Legislative Council at an early date.

4. In the Malnad districts, the grants under the Irrigation Cess Fund have not been utilised in full. There is an Order of the Chief Commissioner to the effect that the surplus proceeds

of the Irrigation Cess Fund could be utilised for the construction of new roads. ^{It is} (Government) considered, that after the requirements of the tanks in the Malnad are fully met, there ^{may be} is no objection ^{to} in utilising the ^{unavailable} surplus for the repair of old or construction of new roads.

5. These questions require careful consideration by a Committee before further action can be taken thereon. Government are pleased to appoint the following gentlemen as members of the Committee:-

1. The Revenue Commissioner (Chairman)
2. Mr. K. R. Seshachar
3. Mr. A. K. Syed Taj Peeran, Deputy Commissioner, Shimoga District.
4. Mr. B. Narasinga Rao, Pleader, Mysore. ^{President, District Board,}
5. Mr. N. S. Nanjundiah, Pleader, Hassan.

6. The following points will be considered by the Committee and a report submitted before the end of September next:-

1. Regulation of water supply in tanks and channels to avoid waste, and ensure its full use for purposes of cultivation;
2. The introduction of the Irrigation Bill;
3. Examination of the provisions of the Tank Panchayet Regulation, and suggestion of changes necessary.
4. The utilisation of the proceeds of the Irrigation Cess in the Malnad for ~~the~~ repair and construction of roads.

By order,

Secretary to Government,
Revenue Department.

GKV

29/7

31.7.26

29.7.26

SUBJECT.....

Diary No. of letter replied to..... 5490

General and Revenue Secretariat

, the

192

Date of issue.....

17.10.26

Signed by.....

Mr M Venkataswamy

May this be

- i Printed ?
- ii treated as a standing order ?
- iii published in the Gazette, English Part ?
- iv translated ?
- v placed at the disposal of the press ?
- vi published in the Gazette, Kannada Part ?

Section

File No.

Serial No.

Proceedings of the Government of
His Highness the Maharaja of Mysore

Read—

G.O. no. R 632-6 /d. :-
91-26-1 dated the 31st
July 1926 Constituting
Committee for Consider
certain points in connection
with the improvement of
tanks etc.

(2) Letter no. C 325
25-26

Order Thereon No.

dated 75th October 1926
from the Revenue
Commissioner in Mysore
suggesting that Mr
K. V. Anantharaman

D. C. Tunkur

may be appointed as an
additional member of
the said committee.

order no:- - Camp R 43-49 D/17.10.

The proposal of
the Revenue Committee
is approved.

ms 10
In chief secy to govt
for

To the Revenue Comr.

K. V. Anantha Ramani Esq. B.A. List of enclosures
- 1. Amthur OT

The members of the Committee

Copied by

Examined by

Dated Bangalore.....8th April.....1927.

12

FROM

P.G. D'Souza Esq., B.A., B.L.,
Revenue Commissioner in Mysore.

7 7240

L A 38-26-7

To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

SIR,

With reference to letter No. R.6326 dated 6th April 1927, I have the honor to state that the Irrigation Committee constituted by Government in G.O. No. R.632-6/L.R.91-26-1 dated 31st July 1926, has met so far three times, viz., on 13th September 1926, 26th October 1926 and 7th April 1927.

2. At the first meeting, they took up for consideration the question of the Revision of the Tank Panchayet Regulation. At the second meeting, the proceedings of the previous meeting were approved and the preliminary material to be collected in connection with the scrutiny of the Irrigation Bill was discussed. The Secretariat files and other available literature were then circulated to the several members, and these were returned to this office only on the 5th instant. The latest meeting of the Committee was held on 7th April 1927; and all the minor points which had been referred to the Committee were discussed. The draft Irrigation Bill also came up for discussion, but no definite conclusions were arrived at in the absence of sufficient material. The Committee felt that as this was a matter of far-reaching importance and raising many difficult problems, it would be undesirable to hurry through the draft bill before them, as they considered that it would require to be simplified and recast. The Committee expected to be able to submit definite proposals to Government early.

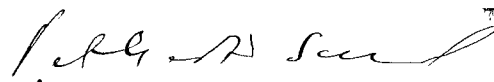
3. The proceedings of the first meeting and the draft proceedings of the third meeting which is under circulation are sent

up for the information of Government. Every effort will be made to complete the deliberations of the Committee with all possible speed.

I have the honor to be,

Sir,

Your most obedient servant.

A handwritten signature in cursive script, appearing to read "J. H. A. Smith".

Revenue Commissioner.

M.B.R.

A small handwritten signature or mark, possibly initials, located below the text "M.B.R.".

Proceedings of the first meeting of the Committee appointed in Government Order No. R.632-6/L.R.91-26-1 dated 31st July 1926 to consider questions connected with Tank Irrigation and other matters, held in the Revenue Commissioner's Office, Bangalore, on 13th September 1926.

P r e s e n t . -

Mr. C.S. Balasundaram Iyer, Revenue Commissioner. (Chairman)

,, K. R. Seshachar.

,, A.K. Syed Taj Peeran.

,, B. Narasinga Rao.

A letter from Mr. N.S. Nanjundiah expressing his inability to attend was read and recorded.

Of the four points referred to the Committee for consideration, the Tank Panchayet Regulation was taken up first. After discussion, it was resolved that the following changes in the Regulation might be recommended to Government.

1. Section 3:- At the end add the words:- " or may empower the Village Panchayet under Section 23 of the Village Panchayet Regulation to exercise all the powers and discharge all the functions of a Tank Panchayet under this Regulation". Section 23 of the Village Panchayet Regulation may be slightly amended, the reference to Section 3 of Tank Panchayet Regulation therein being changed to "Sections 3 to 9".

2. Section 15 (i) Substitute "shall" for 'may' and (a) may be worded as follows:-

"determine the portion of the wet lands in the irrigable area of such tank to be cultivated with wet crops and the rest of the lands in the said irrigable area with irrigated dry or semi-dry crops and regulate the supply of water for irrigation accordingly".

Section 15 (b). Add "and may" at the beginning.

Section 15 (2). This may be deleted.

Section 15 (3). Omit the words "for irrigation" and substitute "for the irrigation of wet or sugarcane crops".

The amended Section will read as follows:--

Section 15 (1):- A Tank Panchayet specially empowered by Government in this behalf, shall in any year, having regard to the quantity of water available in any tank under its control.

- (a) determine the portion of the wet lands in the irrigable area of such tank to be cultivated with wet crops and the rest of the lands in the said irrigable area with irrigated dry or semi-dry crops and regulate the supply of water for irrigation accordingly.
- (b) and may select a compact and suitable block as near to the sluice of the tank as possible and parcel it out among the different ryots who may be desirous of growing sugarcane on such terms as regards the rent or share of the produce to be paid to the holder or holders of the lands comprised within the block as may appear to it to be reasonable and as may be agreed to by such holder or holders.

- (2) If in accordance with the decision of the Panchayet under clause (a) of Sub Section 1, any land assessed as wet is not supplied with water for the irrigation of wet or sugarcane crops, the holder of such land shall be entitled to the remission of half the wet assessment of such land.

The object of this amendment is to discourage the cultivation of paddy over the whole atchkat when water is insufficient and to encourage the cultivation of paying crops such as turmeric, ginger or chillies etc., or irrigated Ragi or Jola, which only require an intermittent supply of water. As an additional inducement towards

the economical use of water, it ^{was} proposed that remission of half wet assessment under the rules should be allowed where such crops are grown.

3. Section 16 (1):- Omit the first three lines up to "under the tank" and add "where the restoration of a minor tank has been decided on under Regulation XV of 1923."

4. Section 18 (1):- The following words may be added on:-
'or where the Tank Panchayet has been constituted under Section 23 of the Village Panchayet Regulation, withdraw such powers'.

Section 18 (2):- The following words may be added after
"so abolished" - 'or has its powers withdrawn'

Section 18 (3):- After the words 'thus abolished' add:-
"or whose powers have been withdrawn". The object of paras 3 and 4 is to bring the Tank Panchayet Regulation into line with the new Minor Tank Restoration Regulation and the new Village Panchayet Regulation.

5. The fourth point referred to the Committee, i.e., the utilisation of the proceeds of the irrigation cess in the Malnad for the repair and construction of roads was next taken up for preliminary discussion.

It was resolved that information re: the income and expenditure under the Irrigation Cess Fund in the Malnad Taluks, the road mileages and the mileage grants might be obtained, and the subject discussed further at the next meeting.

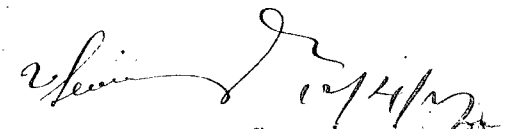
6. In view of the fact that the detailed consideration of all the points referred to the Committee, especially the Irrigation Bill, would require time, the Committee feared that it would not be possible to submit the final report before the end of September as required by Government.

It was therefore resolved that Government might be requested to extend the time given to the Committee up to the end of December.

7. It was also resolved that the next meeting of the Committee be held at Mysore during the ensuing Dasara Week.

Sd/- C.S. Balasundaram Iyer,
Revenue Commissioner, and
Chairman.

" C o p y "


For Revenue Commissioner.



Proceedings of the third meeting of the Committee
held in the Revenue Commissioner's Office, Bangalore. on 7th April
1927.-

P r e s e n t :--

1. P.G. D'Souza Esq., B.A., B.L. Chairman
2. K.R. Seshachar Esq., B.A., B.E., C.E.
3. K.V. Anantaraman Esq., B.A.
4. N.S. Nanjundiah Esq.

Absent:-

1. B. Narasinga Rao Esq.
 2. A.K. Syed Taj Peeran Esq., B.A.
-

the following subjects were considered by the Committee:--

(1) Rules re: demarcation of hikkals:-

Draft rules in this behalf had been sent up to Government who directed that the matter might be considered by this Committee (Vide letter No. R.3155/L.R.299-25-45 dated 29-11-1926 from the Chief Secretary). The Committee were of opinion that the rules as a whole might be approved; and that no specific legislation was necessary; and that the last rule viz. Rule 5. might be altered as follows:-

"If it should be found necessary to acquire any extent of land for the purpose of providing a hikkal as above, the same will be treated as a public purpose within the meaning of the Land Acquisition Regulation. The cost will be met by Government; and, wherever possible, recovered in whole or in part, from all parties benefitted".

There can be no objection to this, as it is one of the obligatory functions of Government to provide facilities for the due cultivation of land.

(2) Acreage Cess for maintenance of Channels.-

The next question taken up for consideration was that of the levy of acreage cess for the maintenance of irrigation channels. This subject had come up for discussion at the meeting

of the Deputy Commissioners and Heads of Departments held in October 1926 and was referred to the Committee for consideration, by Government.

In that meeting, the Deputy Commissioner of Mysore had stated that all ryots under channels were not attending to their share of maintenance work; and that, while some of them did the work, others escaped. Many were reported to be willing to pay a Cess provided it was collected from all and the work was got done by Government. It was represented that this would ensure not only that all paid the cost, but also that the work was done regularly. It was a point for consideration also, as to whether statutory provision for collecting the Cess was necessary.

It was understood from the Special Officer, Krishnaraja Sagara Works, that proposals in this behalf have already been submitted; and that, so far as the conditions in the Mysore District are concerned, it was desirable to levy an acreage cess, owing to the existence of channels; but that this system was not quite suitable in regard to tanks where it would be much more economical to get the work done by the ryots.

(3) Tenants' responsibility for maintenance of channels.

The Committee then considered the question of the responsibility of tenants for maintaining channels which had been discussed in the meeting of the Deputy Commissioners in October 1926 and had also been referred to the Committee by Government in their letter No. R.3443 dated 11-12-1926. As it was understood that it was under consideration to take over the maintenance of these channels to Government, the Committee were of opinion that the necessity to enforce tenants' responsibility separately will not arise.

(4) Conservation of water in tanks in view of drought.

The Committee next took up for consideration the following three subjects, based on the suggestions for conserving water in tanks in areas liable to drought, which had been sent up by the Revenue Commissioner in his report on the distress relief

operations in the State for the year 1923-24 and which had been referred to the Committee by Government in letter No. R.2639/R.M. 30-26-4 dated 9-11-26.-

(1) Empowering Deputy Commissioners to prevent wet cultivation under selected tanks when a water famine is apprehended.

(2) Question of reducing wet and garden areas under tanks in taluks affected by drought.

(3) Reserving the minimum supply of water in tanks.

All these three questions come as special cases relating to the regulation of water supply in tanks &c., which is the first point referred to the Committee in the original terms of reference; and strictly speaking comes within the scope of the proposed irrigation bill. The Committee were generally of opinion that as it is proposed to provide for the regulation of the supply of water so as to minimise the area under cultivation, it would be unnecessary to empower Deputy Commissioners specifically to prevent wet cultivation. The Committee were in favour of a proper system by which the minimum supply of water in each tank is retained so as to ensure the retention of sufficient drinking water for men and cattle in bad areas.

(5) Utilisation of Irrigation Cess for roads in Malnad.-

The Committee next took up for consideration the question of the utilisation of the proceeds of irrigation cess in the malnad for repair and construction of roads, which is one of the points originally referred to the Committee. This point had also been urged for consideration by the Kadur Deputy Commissioner separately. The Committee were of opinion that as a general rule, it is not desirable to divert the irrigation cess to any other purpose than that of repairs and restoration of tanks. Even in the Malnad, there is a sufficiently large number of tanks on which this cess may be usefully spent; and any grants required for road works should be met from other sources. The tanks are all in a neglected condition and sufficient attention has not been paid to the repairs etc. and no proper lists have been prepared; and in fact, no correct data are available as regards these tanks. The very fact that the

accumulated funds are not being spent on irrigation works in the malnad Districts, indicated that the obligation as regards tanks there has not been fully realised.

(6) Irrigation Bill.-

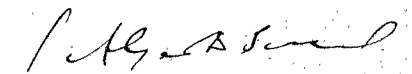
The Committee were agreed as to the need for the introduction of irrigation bill; but were of opinion that it should as far as possible be based on the Bombay Regulation. The Secretariat files and the Proceedings of the Madras Legislative Council in regard to the introduction of the Irrigation Bill there had been obtained and circulated to all the members. But, they were of opinion that the Madras Bill was of a highly controversial nature and included several issues which did not arise in Mysore at all; and that the Gazette copies of the discussions which led to the introduction of the Bill and subsequent amendments in Bombay should be obtained before any useful criticism could be given.

As this was a measure of far-reaching importance and raises problems of great difficulty, the Committee were not in favour of any hurried consideration of the Bill; but they expected to be able to submit specific recommendations to Government and, if possible, to have draft Bill ready, in time for the next Representative Assembly. They consider that the draft irrigation bill now under consideration requires to be simplified and wholly recast.

(7) Saguvali Kattes.-

The Committee, of their own motion, took up for consideration the question of the construction of saguvali kattes. They were of opinion that an investigation should be made to ascertain what saguvali kattes have been in existence for over 5 years; and that steps should be taken to regularise unauthorised construction; and also to prevent future construction. They were of opinion that for this purpose, it would be necessary to make such construction a penal offence by Gazette notification.

C o p y "


Revenue Commission.

FROM

recd (Bice) with
Encls.
P. G. D'SOUZA, ESQ., B.A., B.L.,
REVENUE COMMISSIONER IN MYSORE.

Dated Bangalore.....18th February.....1928.

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TO

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

WV
SIR,

With reference to your letter No. R.4718 dated 3rd February 1927 and in continuation of my letter No. C.3256 of 25-26 dated 9/13th April 1927, I have the honor to state that the Irrigation Committee constituted by Government in G.O. No.632-6/L.R. 91-26-1 dated 31-7-1926 has met on two more occasions, viz., 17th December 1927 and 22nd January 1928 to discuss the several questions referred to it. At the meeting held on the 17th December 1927, the draft of the Proceedings of the previous meeting was reconsidered and approved with slight alterations. Mr. B. Narasinga Rao who had objected to the proposal of the Committee that acreage cess may be levied for the maintenance of channels, on the ground that the heavy wet assessment and other cesses levied covered all such charges and imposed an obligation on the part of Government to maintain the channels in an efficient condition, withdrew his objection when it was explained to him that this levy was confined to branch channels whose maintenance devolved upon the ryots and that it was only a ~~commutation~~ commutation by this obligatory duty into money that was intended by the resolution. The Committee then took up the consideration of the draft Irrigation Bill. In its first sitting, the Committee after a preliminary examination of the provisions of the bill, was of opinion that, while the need for the introduction of an Irrigation Bill was appreciated, the Bill placed before it was one of far-reaching importance and required a thorough recasting with a view to remove objectionable features therein. I therefore prepared a fresh draft of the Bill, excluding therefrom all controversial matters which did not require any special

provision being made having regard to our local conditions, and incorporating provisions necessary for a proper regulation of the Irrigation System in the State having in view the practice obtaining in the State with regard to irrigation and the necessity for the introduction of a Bill to regulate the irrigation practice under new works of irrigation that have been started in the State, such as the High Level Canal, the Anjanapur Project, the Bhadra channels etc. The Committee discussed the provisions of the Bill, Section by Section, and proposed certain alterations to be incorporated therein. It also wanted a statement of objects and reasons to be prepared on the lines suggested by it and the Bill with the statement of objects and reasons, to be placed before the next meeting for final approval. In the meeting held on 22nd January 1928, the Committee went through the provisions of the Bill and the statement of objects and reasons and passed them finally for being submitted to Government. As regards the question of the regulation of water supply in tanks and channels to avoid waste and to ensure its full use for purposes of cultivation referred to the Committee in G.O.No. R.632-6/L.R.91-26-1 dated 31-7-1926, the Committee was of opinion that the introduction of the Irrigation Bill would solve this question.

2. It will be seen from the Bill now sent up, that it differs in many important respects from the draft originally prepared, and the Committee have aimed at producing a Bill which while giving Government sufficient powers in regard to new works of irrigation, limits interference in regard to existing works only to the extent admissible according to recognised usage. The pitfalls which wrecked the Madras Irrigation Bill have been carefully avoided.

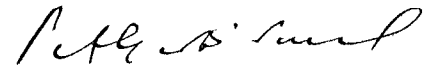
3. The next question considered was one relating to weed clearing work in the main channels of the Krishnarajasagara ordered to be placed before it in Chief Secretary's letter No. R.10004/L.R.505-26-80 dated 4-8-1927. It was resolved that as recommended by the Revenue Commissioner to Government unofficially the clearing of weeds in the main channels should be undertaken at Government cost.

4. Copies of the proceedings of the two meetings together with a copy of the Irrigation Bill as approved by the Committee are submitted herewith.

I have the honor to be,

Sir,

Your most obedient servant,

A handwritten signature in cursive script, appearing to read "P. H. S. Smith".

Revenue Commissioner.

M.B.R.

Proceedings of the Fourth Meeting of the Committee constituted in Government Order No. R.632-6/L.R.96-26-1 dated 31st July 1926 held in the Revenue Commissioner's Office, Bangalore, on 17th December 1927.

Present.

1. Mr. P.G. D'Souza, B.A., B.L., Revenue Commissioner.
(Chairman).
2. ,, K.R. Seshachar, B.A., B.E., C.E., Chief Engineer and
Secretary, Krishnarajasagara Works.
3. ,, K.V. Anantaraman, B.A., Deputy Commissioner, Tumkur
4. ,, B. Narasinga Rao, Pleader, Mysore.
5. ,, N.S. Nanjundiah, Pleader, Hassan.

Absent.

Mr. A.K. Syed Taj Peeran, B.A., Deputy Commissioner, Kolar.

The proceedings of the previous meeting held on the 7th April 1927 were reconsidered as some alterations etc. had been suggested by some of the members when the draft was sent to them. Mr. B. Narasinga Rao objected to the proposal of the Committee that Acreage Cess may be levied for the maintenance of channels on the ground that the heavy wet assessment and other cesses levied, covered all such charges and imposed an obligation on the part of Government to maintain the channels in an efficient condition. When it was explained to him that the cess is confined to branch channels and will be in commutation of an existing liability on the part of the holders of land under such channels to maintain them and that the assessment under such channels ~~to maintain them and that the assessment under such channels~~ was fixed at a lower rate, having regard to the water supply and other causes as compared with main channels, he withdrew his objection, but stated that the amount to be levied should be fixed low. The proceedings, with slight verbal alterations as suggested by Mr. K.R. Seshachar, were approved

2. The Committee next considered the Draft Irrigation Bill and the question of Regulation of water supply in tanks and channel

to avoid waste and to ensure its full use for purposes of cultivation (referred to the Committee for consideration in the Government Order of 31st July 1926). As the latter question was inter-mixed with the former, they were of opinion that no separate resolution was necessary on the point. The draft bill that had been prepared before and referred to the consideration of the Committee by Government had been examined by the Revenue Commissioner and had been recast in the light of previous criticism and experience elsewhere to facilitate the work of the Committee. This bill was carefully examined by the Committee, clause by clause, and certain changes were suggested. It was resolved that a revised draft of the bill incorporating the changes suggested by the Committee together with a fresh statement of objects and reasons may be prepared and placed before the Committee for their final approval.

3. The question of weed clearing work in main channels ordered to be placed before the Committee in Chief Secretary's letter No. R.1004/L.R.505-26-80 dated 4-8-1927 was next discussed. Opinion had already been furnished by the Revenue Commissioner to Government un-officially that the clearing of weeds in the main channels should be undertaken by Government at their cost. The Committee were also of the same opinion.

" C o p y "

Ra. Narasimha Aiyangar

For Revenue Commissioner.

Proceedings of the V Meeting of the Irrigation
Committee.

22nd
~~23rd~~ January 1928.

(1) The Proceedings of the IV Meeting were read
and approved.

(2) The final draft of the Irrigation Bill
was considered and approved.

" C o p y "

Ra Mung Tunga
For Revenue Commissioner.

This regulation is intended to make provision for certain matters of importance, such as, the construction of water courses (hikkals), the regulation of irrigation, the levy of contribution and water-rate in respect of new irrigation works, the regulation of customary labour and the punishment of irrigation offences, regarding which there is at present no statutory provision, or such provision as there is, is not adequate.)

2. Provision is made for giving power to Irrigation Officers to enter upon any land or building for the purpose of inspection, regulation, and maintenance of irrigation works and their protection in times of danger, etc. (Chapter II).

3. There is at present considerable complaint as regards the distributary channels leading from the main channel. Provision is made in the Bill for the construction of such channels called water courses or hikkals after enquiry and for recovering the cost from the persons who derive benefit. The obligation of the ryots to maintain distributary channels is brought within the purview of the regulation as also the power to get it done at Government cost in case of failure on the part of the person bound to do the maintenance work. (Chapter III).

4. At present, there is no statutory provision for the regulation of irrigation. Matters are at present regulated by mamool which is vague. Provision is herein made to systematize the existing practice and also to enable the Government to regulate the distribution of water in times of deficient supply. (Chapter IV).

5. There is at present no statutory provision as regards the recovery of water-rate and contribution in respect of major irrigation works. Provision is now made for the levy of contribution and water-rate in respect of new works, under certain conditions. (Chapter V)

6. There is at present no provision for impressment of labour

and material in cases of emergency when irrigation works are in danger. This has been now provided for. (Chapter VI).

7. The existing provisions as regards maintenance work to tanks are incorporated in the bill; and provision is also made for commuting such labour to cash payment on defined principles. (Chapter VII).

8. Provision is made for the punishment for the irrigation offences which are enumerated in detail, by a First Class Magistrate after summary enquiry. (Chapter VIII).

9. It is the recommendation of the Committee that the Sub Division Officer and Ex-Officio First Class Magistrate should in places where ^{he} is not also appointed an Irrigation Officer, be invested with power to try Irrigation Offences under the Regulation to avoid inconvenience to parties by being compelled to travel long distances.

" C o p y "

Ra. M. S. Thakur
for Revenue Commissioner.

Whereas it is expedient to make adequate provision for the proper regulation and control of water, for the levy of contribution for the regulation of customary labour, for the punishment of Irrigation Offences and such other matters pertaining to Irrigation as are not adequately provided for in the existing Regulations and Rules, His Highness the Maharaja is pleased to enact as follows:-

Chapter I.

Preliminary.

1. This Regulation may be called the Mysore Irrigation Regulation.

2. The Government may, by notification in the official Gazette, extend this Regulation or any portion thereof to any local area or to any class of irrigation works, and may also by a notification exclude any such local area or any such class of irrigation works from the operation ~~of~~ the Regulation or of any portion thereof from such date as may be notified therein.

Provided that all existing rules, regulations, orders or usages having the force of law in so far as they are inconsistent with any of the provisions of this regulation and the rules thereunder, in the areas and with respect to the classes of irrigation works to which the Regulation is extended, are repealed to the extent to which they are so inconsistent.

And provided further that nothing herein contained shall be deemed to affect any acts done or liabilities incurred under the law, rule or order or usage having the force of

3. In this Regulation, unless there is anything repugnant in the subject or context,

(1) "Irrigation work" includes

(a) all reservoirs, tanks, canals, channels and pipes constructed, maintained or controlled wholly or mainly by Government for the supply or storage of water.

All works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, canals, channels or pipes and all roads constructed for the purpose of facilitating the construction or maintenance of such canals, channels, tanks, pipes or reservoirs;

All water courses and drainage works as hereinafter defined;

All lands occupied by the Government for the purposes of such canals, channels, tanks, pipes, reservoirs, and all buildings, machinery, fences, gates and other erection occupied by or belonging to the Government upon such lands.

(2) "New Irrigation work" means any work of irrigation as defined in clause (1), constructed or completed after this regulation comes into force.

(3) "Water Course\$" (hikkal\$) means any channel or pipe which is supplied with water from an irrigation work, but which is not maintained at the cost of Government, and all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe

(4) "Drainage work" includes channels either natural or artificial for the discharge of waste or surplus water and all works connected with or auxiliary to such channels and escape channels from an irrigation work, dam, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion formed or maintained by the Government either wholly or in part, but does not include work for the removal of sewage.

(5) "Deputy Commissioner" includes any officer appointed by Government to exercise all or any of the powers of Deputy Commissioner under this Regulation.

(6) "Irrigation Officer" shall mean any officer not below the rank of an Assistant Commissioner or an Assistant Engineer appointed by the Government to exercise all or any of the functions of an Irrigation Officer under this Regulation.

(7) "Owner" includes every person having a joint interest in the ownership of the thing specified.

(8) "Labourer" means any person accustomed to manual labour.

4. Government, or subject to such rules as may be made under this Regulation, any Officer whom Government empowers in this behalf, may declare by Notification the Officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

Chapter II.

Of the control of water and of Irrigation Works.

5. Any Irrigation Officer duly empowered in this behalf and any person acting under general or special orders of such Irrigation Officer may enter upon any land, building or water-courses for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby and of doing all things necessary for the proper regulation, maintenance and management of any irrigation or drainage work.

6. In case of any accident happening or being apprehended to any irrigation or drainage work, or in case of any urgency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation or any drainage work and may repair any existing work, construct any new work or take and utilize any material and take any measures or do anything that may in his opinion be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

7. When an Irrigation Officer proposes under the provisions of the ~~last~~ two last preceding sections to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden such reasonable notice as the urgency of the case may ~~for~~ allow.

(1) Any person desiring the construction, extension, improvement, or alteration of a water-course may apply in writing to the Irrigation Officer or other Officer empowered in this behalf, and the said officer shall, after giving such notice and causing such enquiries as may be prescribed in this behalf by rules to be framed by Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water-course or have it constructed, extended, improved or altered, through the Public Works Department, on such terms and conditions as regards payment of costs, time and mode of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be decided upon in each case or reject the application. Against the order of the Irrigation Officer in this behalf, an appeal shall lie, within 30 days from the date of communication of the said order, to the Deputy Commissioner whose decision shall be final.

(2) If it is necessary to acquire any land for the purpose, the Deputy Commissioner of the District will proceed to acquire the same under the provisions of the Land Acquisition Regulation.

20/3 Note:- A ~~xxx~~ slight amendment is required in the Land Acquisition Regulation to provide for cases when water-courses are provided solely at the expense of private parties without any contribution from public funds.

9. No water-courses constructed, extended or improved under the provisions of the above preceding Section may be altered without the consent of the Irrigation Officer.

10. Every owner or occupier of land which receives a supply of water from a water-course shall be bound:-

- (a) to maintain such water-course in a fit state of repair;
- (b) to allow the use of it to any person entitled by reason of an order passed under Section 8.

11. If any owner or occupier of land which receives a supply of water from a water-course fails to fulfil any obligation imposed on him by Section 10, any Irrigation Officer duly empowered in this behalf, may require him by notice to execute the necessary work or repair within a period, to be prescribed in such notice, of not less than 5 days from the date of service of notice and in the case of failure, may execute the same on his behalf, and all expenses incurred in the execution of such work or repair shall be recoverable from him as an arrear of land revenue.

Chapter IV.

Regulation of Irrigation.

12. The Deputy Commissioner of a District or other officer specially empowered by Government in this behalf shall have power to regulate in respect of any irrigation work,

(1) the time for letting out water for irrigation,

(2) the period during which the supply should be continued

and (3) the quantity of the supply,

after holding such enquiry as is provided for by rules to be framed in this behalf by Government and such regulation shall be final and shall remain in force for a period of ten years from the date of the order.

13. Every person desiring to have a supply of water from a new irrigation work coming under the operation of this Regulation, shall submit a written application to that effect to an Irrigation Officer duly empowered to receive such applications in such form as shall, from time to time, be prescribed by Government in this behalf. If the application be for the supply of water for irrigation, the supply may be granted for such period and on such terms as may be prescribed by rules to be framed in this behalf by Government.

If the application be for a supply of water to be used for purposes other than those of irrigation, the irrigation officer may, with the sanction of Government, give permission for water to be taken for such purposes under such special conditions and restrictions as to limitation, control and measurement of the supply as he shall be empowered by Government to impose in each case.

14. The supply of water to any water-course or to any person who is entitled to such supply shall not be stopped except.-

- (a) Whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority.
- (b) Whenever and so long as any water-course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom;
- (c) Whenever and so long as it is necessary to do so in order to supply in rotation the legitimate demand of other persons entitled to water;
- (d) Within periods fixed from time to time by an Irrigation Officer duly empowered in this behalf, of which due notice shall be given; and except in the manner provided in the following Section.

15. An Irrigation Officer shall in any year having regard to the quantity of water available in any irrigation work under his control determine the portion out of all or any of the wet lands in the irrigable area of such irrigation work, to be cultivated with irrigated crops and regulate the supply of water accordingly;

Provided that if any land assessed as wet is not supplied with water for irrigation, the holder of such land shall be entitled to remission of half the assessment on such land.

An appeal shall lie from the order of the Irrigation Officer in this behalf, within 30 days from the date of the order to the Deputy Commissioner, whose decision shall be final.

16. All rights to the supply from an irrigation work, of water to any land, building or other immoveable property shall be transferable therewith, and shall be presumed to have been so transferred whenever a transfer of such land, building or other immoveable property takes place.

No person entitled to the use of any work or land appertaining to any Irrigation work or to use the water of any irrigation work shall sell or sublet or otherwise transfer his right to such use without the permission of the Irrigation Officer duly empowered to grant such permission.

Of the construction and maintenance of Irrigation

Works on special terms.

17. Whenever it appears to the Government that the construction or improvement of an irrigation work in any local area is not likely to be remunerative unless on the lands irrigable by such work, payment of an acreage contribution or water rate or both, at certain specified rates to be fixed in accordance with rules to be framed in this behalf is guaranteed, the Government may direct the Deputy Commissioner or other Officer to make an enquiry whether it is desirable to undertake the construction or improvement of the work.

18. The Deputy Commissioner or other Officer appointed to make the enquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than 30 days after the last date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction or improvement, an estimate of the capital or recurring expenditure involved, the area which will be benefitted by the scheme (hereinafter called the benefitted area) and the rates at which it is proposed to levy contribution and water-rate in respect of the land within the benefitted area, and shall invite the holders of such lands to submit any objections or suggestions that they may desire to make on or before a date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the enquiry.

19. If the Deputy Commissioner or other officer appointed to make the enquiry after considering any objections or suggestions duly submitted and evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefitted area give their consent in writing to such construction or improvement and to the payment of the proposed contribution or water-rate or both,

he shall embody his proceedings in a report to be submitted to the Government and shall also forward a statement of objections and suggestions presented to him with any remarks that he may desire to make in respect of them.

20. Upon receipt of the report referred to in the previous section, the Government may, after such further enquiry, if any, as may appear to them necessary, either abandon the scheme, or proceed with it in its original form or with such modifications as they may consider necessary, provided that where the modifications involve a substantial increase in the benefitted area or in acreage contribution or the water-rate to be imposed, the provisions of Sections 18 and 19 shall apply to the altered scheme

21.

(i) The scheme as finally approved by the Government shall be published in the Mysore Gazette, and it shall embody the following particulars:--

(a) a specification of the work which it is proposed to construct or improve and an estimate of the capital or recurring expenditure involved thereby;

(b) the estimated time required for the completion of the work;

(c) a description of the benefitted area;

(d) the rates at which contribution will be recovered in respect of the lands benefitted by the irrigation work.

Provided that in no case shall the contribution to be levied exceed half the difference between the value of the wet and dry lands in the locality;

(e) the rates at which water-rate will be imposed on the lands in the benefitted area, such rates being liable to periodical revision at intervals of not less than ten years each; and

(f) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

(ii) The publication under sub-section (1) of a Scheme as approved shall be conclusive proof that any consent recorded therein has been duly obtained.

22. After the scheme has been carried out, the Deputy Commissioner may, subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land

within the benefitted area contribution or water rate or both at the rates prescribed in Section 21, clauses (d) and (e).

Provided that the Deputy Commissioner may exempt from charges any land in the benefitted area on the ground that it is unable to derive any benefit from the irrigation work.

Chapter VI.

On obtaining labour and materials on emergencies

23. (i) Whenever it appears to an Irrigation Officer or in his absence the Amildar of the Taluk that unless some work or repair is immediately executed such serious damage will happen to any irrigation or drainage work as would cause sudden and extensive public injury,

or that unless some clearance of an irrigation or drainage work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss will occur,

and that the labourers necessary for the proper execution of such repair, clearance of work cannot be obtained in the ordinary manner within the time that can be allowed for the execution of the same so as to prevent such injury or loss,

it shall be lawful for such officer to require the patel or patels of the village or villages in the vicinity to call upon all or any of the labourers who reside or hold land in the vicinity of the locality where such repair, clearance or work has to be executed to assist in the execution of such repair, clearance or work by labouring thereat as such officer or other person authorised by him in this behalf may direct.

(ii) Such Officer or any person authorised by him in this behalf may also enter into and upon any immoveable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees or bamboos whether standing or not and any timber, mats, ropes, straw, earth, stones, or other materials found in or upon such property and use the same

(iii) Every person authorised as mentioned in this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(iv) Any labourer being duly called ^{upon} by the head of ~~the~~ village to labour as aforesaid who shall refuse or neglect to comply with such call as provided in clause 1, para 4 of this section and proviso thereunder without any lawful excuse shall on conviction before a Magistrate be punished with a fine which may extend to one hundred rupees or with simple imprisonment which may extend to one month or with both.

24. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under Section 23 or whose materials may be taken under that Section shall, as soon as may be reasonably practicable and in any case not exceeding a fortnight from the date of such impressment, be paid by the Irrigation Officer, for their labour and detention or for such materials at 25% in excess of the rates for the time being, prevailing in the neighbourhood. If the persons are required to work or are detained at night, they shall be paid at double such rates.

25. Whenever as a result of the removal, under Section 23, of any trees, bamboos, earth, stone or other materials, any damage over and above the price payable for such materials results directly to any person, the Irrigation Officer shall pay to such person a reasonable amount of compensation for such ~~damages~~, as per rules to be framed in this behalf by Government.

26. Against the order of the Irrigation Officer, an appeal shall lie under Sections 24 and 25, within 30 days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

Chapter VII
Of customary labour.

27. (i) The provisions of this Chapter apply to the following irrigation and drainage works:-

- (a) All river and spring channels;
- (b) All tanks;
- (c) All feeder channels connected with tanks;.

(ii) It shall be lawful for the Government by an order to declare, in respect of all or any of the aforesaid works in any locality, that the customary labour referred to in Section 28 hereunder need not be performed either wholly or in part or that in lieu of the customary labour a flat rate per acre of holding be levied on the persons bound to perform the labour. Such order may at any time be cancelled or modified by the Government.

28. Every occupier of land, irrigated or drained by any irrigation or drainage work, as well as inhabitants of the village or villages and all others who derive any benefit, directly or indirectly, from the work shall perform in respect of such work without payment the following customary labour:--

- (a) Filling up gullies, cracks, ruts and holes;
- (b) Removing any rank growth or ^{pernicious} ~~noxious~~ weed;
- (c) Clearing away such underwood as may be considered by the Irrigation Officer to be injurious;
- (d) Clearing sand or silt from sluices and branch channels and repairing the earth-work of petty and branch channels and clearing away the accumulation in sluice and in all channels issuing from tanks, which obstruct the flow of water to the fields;
- (e) Maintaining the bund to the standard level and with the slopes specified;
- (f) Keeping in order the feeder channels of tanks;
- (g) Watching the bunds of all tanks during rainy weather, turbing the parts acted on by the waves, helping in opening and closing the sluice, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation:—All land forming part of the registered or recognised atchkat of an irrigation work shall be deemed to be

land irrigated by ^{such} ~~the~~ work, within the meaning of this Section.

29. It shall be a duty of the patel of every village to see that the customary labour in respect of any irrigation or drainage work situated in the village or villages in his charge is duly performed, and he will be held primarily responsible for keeping the work in an efficient condition.

30. If during the execution of customary labour any person who is bound to contribute labour towards such work, neglects or refuses to do so, the patel may employ hired labourers for the performance of the labour which such person is bound to contribute.

31. If such work is neglected, the patel shall report the matter to the Irrigation Officer who shall call upon the patel or patels of the village or villages in which the persons bound to do the work ordinarily reside or the land so irrigated or drained is situate to publish by beat of drum requiring such persons to carry out the work by a certain date; on their failure to comply with the requisition within the appointed time, the Irrigation Officer may cause the work to be done by hired labour.

32. The quantum of labour which each person liable under Section 28 is bound to contribute towards the performance of customary labour, and the proportionate share of labour for each village where an irrigation or drainage work serves more than one village shall be determined in accordance with rules to be framed by the Government in this behalf.

33. Whenever any person who is bound to contribute labour towards the performance of customary labour neglects or refuses without sufficient and reasonable cause so to contribute, the Irrigation Officer may levy from such person a sum not exceeding twice the value of the labour which such person is bound to contribute and such amount shall be recoverable as an arrear of Land Revenue.

Against the order of the Irrigation Officer, an appeal

shall lie, within 30 days of the date of the order, to the Deputy Commissioner, whose decision shall be final.

34. No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with under the provisions of this chapter.

Chapter VIII.

Penalties.

35. (i) Whoever voluntarily and without proper authority damages, alters, enlarges or obstructs any irrigation or drainage work;

(ii) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any irrigation or drainage work or does any act which renders such irrigation or drainage work less useful than is intended for the purpose for which it was constructed;

(iii) opens, shuts or obstructs, or attempts to open shut or obstruct, any sluice in any irrigation work;

(iv) corrupts, or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used;

(v) destroys, defaces or moves any land or level mark or water gauge fixed by the authority of a public servant;

(vi) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work;

(vii) causes animals or vehicles to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under section 43.

(viii) causes or permits animals to graze or be tethered upon the ~~an~~ bank or border of any irrigation or drainage work;

(ix) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation or drainage work;

(x) puts up a dam across or otherwise obstructs the free

course of water, the right to which vests in Government;

(xi) violates any rule made under Section 43 for breach whereof the Government in such rules, direct that a penalty may be incurred; and

(xii) ~~12x~~. Whoever being responsible for the use and maintenance of a water-course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner or prevents or interferes with the lawful use of such water-course by any person authorised to use the same under Section 8;

shall be deemed to commit an offence under this Regulation and shall, on conviction after a summary trial before a 1st Class Magistrate specially empowered in this behalf, be punishable for each such offence with fine which may extend to one hundred rupees.

36. When any person is convicted of an offence under Section 35, or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work, the convicting Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any Irrigation Officer duly empowered in this behalf may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

37. Whenever any Magistrate imposes a fine upon any person for any offence under this Regulation, he may direct that the whole or any part of such fine may be paid by way of compensation to any person or persons injured by such offences.

38. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or

omission made punishable by this regulation.

Provided that no person shall be punished twice in respect of one and the same act or omission.

39. Any person in charge of or employed upon any irrigation work may remove from the lands or building belonging thereto any person who within his view

(i) wilfully damages, obstructs, or fouls any irrigation work, or

(ii) without proper authority interferes with the supply or flow of water in or from any irrigation work in any river or stream so as to endanger, damage, make dangerous or render less useful any irrigation work;

and may, if the name and address of the person be unknown or if he refuses to give his name or address or gives a name or address which such officer has reason to believe to be false, arrest him without a warrant and take him forthwith before a Magistrate or to the nearest Police Station to be dealt with according to law.

Chapter IX.

Miscellaneous.

40. Every order passed by an Irrigation Officer under Sections 8 and 13 shall be appealable to the Deputy Commissioner.

Provided that the appeal be presented within 30 days from the date on which the order appealed against was communicated to the appellant.

All orders and proceedings of a Deputy Commissioner under this Regulation shall be subject to revision by Revenue Commissioner and Government.

41. Any Officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, and every such enquiry shall be deemed a judicial proceeding.

42. Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the Officer ~~mentioned~~ therein mentioned. Whenever it may be practicable, the

service of the notice shall be made on the person named therein. When such person cannot be found, the service may be made on any adult male member of his family residing with him, and, if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carried on business; and if such person has no ordinary place of residence within the village, service of any notice may be made by sending a copy of such notice by post in a registered cover addressed to such person at his usual place of residence and if the place of residence is not known, by affixing it in the chavadi of the village to which the action relates.

13. Government may, from time to time, make rules not inconsistent with this regulation to regulate the following ~~water~~ matters:--

- (a) the proceedings of any officer who under any provision of this regulation, is required or empowered to take action in any matter;
- (b) the cases in which, the officers to whom and the time and conditions subject to which orders and decisions given under any provision of this regulation and not expressly provided for as regards appeal, shall be appealable;
- (c) the person by whom the time, place or manner at or in which, anything for the doing of which provision is made in this regulation shall be done;
- (d) the amount of any charge to be made under this Regulation
- (e) Matters falling under Section 8 and 12 and generally carry out the provisions of this Regulation;

Government may from time to time alter or cancel any rules so made.

Such rules, alterations and cancellations shall not have the force of law until they are published in the official Gazette and objections thereto are duly considered.

Robert Sank
Revenue Commissioner,
and Chairman, Irrigation
Bill Committee.
Ray
24/1/28

IMMEDIATE.

D.O.No.C.3256/25-26.

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

Bangalore,.....18th October 1928

Dear Mr. Madhava Rao,

I write to state that the draft

Irrigation Bill approved by the Committee constituted for the purpose was forwarded to you with this office letter No.C.3256/25-26 dated 23rd February 1928 and orders of Government thereon have not yet been received. As the condition of tanks in the State is deteriorating day by day it is very necessary that early and effective action should be taken to maintain them in good condition. I therefore request you to take needful early action to place the Bill before the legislature so that the Regulation may come into force as early as possible.

Yours sincerely,

Alfred T. ...

SUBJECT.....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. *23492*

General and Revenue Secretariat

()

the

192

To

Dear Sir,

Date of issue.....*25/10/28*Signed by.....*Mr N. S. S.*

With refer to your D.O. No. *C 3206/258818-104* re: the placing of the Migration Bill before the legislature, I am desired to inform you that necessary action is being taken

Yours truly
*Ho**10*
22/10

List of enclosures.....

To the Rev. Mr. V.

Copied by

Examined by

SUBJECT.....

Section *PP*

File No.

Serial No.

Diary No. of letter replied to.....

Pd No. *634*

Encl 2

General and Revenue Secretariat

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To

the

192

The Secy to the

Date of issue.....

3. XII. 29

Hon'ble the President

Sir,

Signed by.....

Mr. D. C. Sallanappa

I am directed to

forward herewith two
copies of the Mysore
Irrigation Bill, to gether
with the statement of
objects and reasons there

List of enclosures.....

explaining the scope and
object of the measure and
to state that the Bill
will be introduced
into the Legislative

Copied by.....

9/12

Examined by.....

over

Council at the
meeting ^{the Council} to be held
on 18. 12. 1929

I leave etc

For Chief ^{sec} 21/12/29
Mr Peep to write
1/2 Report Sept

Am
12/9/11/2

Am
29/11

MYSORE REPRESENTATIVE ASSEMBLY.

DASARA SESSION—OCTOBER 1929.

Statements of Government Business to be placed before the Assembly.

I

MEMORANDUM ON THE IRRIGATION BILL.

The advisability of legislation in order to clearly define the position of the State in respect of irrigation was recognized as early as 1902. Government observed on the Report of the Committee appointed in that year for a consideration of the Tank Maintenance Scheme in Mysore as hereunder :—

“Appendix B proposed by the Committee may be omitted as the rules therein referred to, cannot be enacted except by proper legislation. But as some such provision as has been recommended is necessary, its result being to give legal effect to what is enforced as custom at present, Government will consider the question of passing a Regulation on the lines of the Madras Act of 1858.”

2. Economy in the use and distribution of water, in the case of works on which Government have spent large amounts, has been found absolutely necessary both in the interests of cultivators and of the Government. Owing to the want of control over the distribution of water, more land than could be cultivated with the available water supply, has, in the past, been sown with wet crops, and the raiyats have as a result sustained avoidable loss. There has been also a great wastage in the use of water. Under a better system of the regulation of water supply, larger extents of land could be brought under wet cultivation. The feeder channels of large tanks are usually in a state of disrepair. Under the existing rules, the rights and liabilities of owners of water courses are not clearly defined and there are no facilities for the rapid construction of water courses also. The channel offence rules issued more than 50 years ago have been found in practice unsuitable, and the existing criminal law does not sufficiently meet all cases. Damage to works on which large sums of money have been spent cannot be suitably dealt with under the ordinary provisions regulating irrigation, and special enactments have been found necessary from time to time. It is therefore desirable to devise effective remedial measures and to frame a comprehensive Irrigation Regulation on the lines of those in British India. A bill was accordingly prepared in 1913. In its present form, it is the result of the labours of three committees appointed in 1917, 1922 and 1926 and has been scrutinised from the view points both of the Revenue and the Public Works Departments. Opportunity has also been taken to incorporate in the bill some of the existing rules regarding the maintenance of irrigation works.

3. Chapter I embodies the necessary preliminary definitions. Clause 4 makes provision for the grant of powers under this Regulation to the officers charged with the duty of applying it and enables the Government to delegate its functions in this respect.

Chapter II relates to the control of water and of irrigation works in general. The powers possessed by the irrigation officers in regard to the control of water supply are specifically declared.

Chapter III treats of water courses. Clause 8 prescribes the procedure to be followed in the construction, extension, improvement or alteration, etc., of water courses, upon application made to an irrigation officer for such purpose.

Chapter IV treats of the regulation of irrigation and provides for due remission of assessment in cases of non-supply owing to deficiency of water.

Chapter V relates to the construction or improvement of irrigation works on the initiative of Government.

Chapter VI deals with obtaining compulsory labour and materials on emergencies.

Chapter VII deals with customary labour that may be required to be performed by the occupiers of lands irrigated by an irrigation or drainage work. It incorporates the Mysore Tank Maintenance Rules of 1873 as revised in 1927. It will be enforced in respect of unrestored and restored tanks, both major and minor.

Chapter VIII deals with penalties and the procedure thereon. Clause 37 is of a punitive character. It provides for the levy of the actual cost of repair from the entire atchkatdars, in such proportion as may be deemed necessary, in those cases in which the persons who committed damage are un-identifiable or un-ascertainable.

Chapter IX deals with miscellaneous matters. Clause 40 provides for review by Government or the Revenue Commissioner in necessary cases. Clauses 41 and 42 deal with the power to summon and examine witnesses and the service of notices, and Clause 43 with the power of the Government to frame rules.

STATEMENT OF OBJECTS AND REASONS.

This Bill is intended to make provision for certain matters pertaining to irrigation, such as, the construction of water courses (*hikkals*); the regulation of irrigation; the levy of contribution and water rate in respect of new irrigation works; the regulation of customary labour; and the punishment of irrigation offences.

2. Provision is made for giving power to irrigation officers to enter upon any land or building for the purpose of inspection, regulation, and maintenance of irrigation works and their protection, in times of danger, etc. (Chapter II).

3. There is at present considerable complaint as regards the distributary channels leading from the main channel. Provision is made in the Bill for the construction of such channels called water courses or *hikkals* after enquiry and for the recovery of the cost from the persons who derive benefit. The obligation of the raiyats to maintain distributary channels is brought within the purview of the Bill as also the power to get it done at Government cost in case of failure on the part of the person bound to do the maintenance work. (Chapter III)

4. At present, there is no statutory provision for the regulation of irrigation. Matters are at present regulated by *mamool* which is vague. Provision is herein made to systematise the existing practice, and also to enable the Government to regulate the distribution of water in times of deficient supply. (Chapter IV.)

5. There is at present no statutory provision as regards the recovery of water-rate and contribution in respect of major irrigation works. Provision is now made for the levy of contribution and water-rate in respect of new works, under certain conditions. (Chapter V.)

6. There is at present no provision for impressment of labour and material in cases of emergency when irrigation works are in danger. This has been now provided for. (Chapter VI.)

7. The existing provisions as regards maintenance work to tanks are incorporated in the bill; and provision is also made for commuting the liability to contribute customary labour into cash payment on defined principles. (Chapter VII.)

8. Irrigation offences are enumerated in detail, and made triable summarily by Magistrates specially empowered for the purpose. (Chapter VIII.)

THE MYSORE IRRIGATION BILL.

Whereas it is expedient to make adequate provision for the proper regulation and control of water, for the levy of contribution, for the regulation of customary labour, for the punishment of Irrigation Offences and such other matters pertaining

Preamble.

to Irrigation as are not adequately provided for in the existing Regulations and Rules having the force of law. It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short Title.

1. This Regulation may be called the Mysore Irrigation Regulation, 19 .

2. The Government may, by notification in the *Official Gazette*, extend this Regulation or any portion thereof to any local area or to any class of irrigation works, and may also by a like

Extent and commencement. notification subsequently exclude any portion of such local area or any such irrigation work or class of works from the operation of the Regulation, from such date as may be specified therein ;

Provided that all existing Regulations, Rules, Orders or usages having the force of law, in so far as they are inconsistent with any of the provisions of this Regulation and the rules made thereunder, in the areas and with respect to the classes of irrigation works to which this Regulation is extended, are repealed to the extent to which they are so inconsistent ;

And provided further that nothing herein contained shall be deemed to affect any acts done or liabilities incurred under the said Regulations, Rules, Orders or usages having the force of law.

3. In this Regulation, unless there is anything repugnant in the subject or Definitions. text:—

'Irrigation work.'

(1) "Irrigation work" includes—

(a) all reservoirs, tanks, canals, channels and pipes constructed, maintained or controlled wholly or mainly by the Government for the supply or storage of water for purposes of irrigation ;

(b) all works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, canals, channels or pipes and all roads constructed for the purpose of facilitating the construction or maintenance of such canals, channels, tanks, pipes or reservoirs ;

(c) All water courses and drainage works as hereinafter defined ;

(d) All lands occupied by the Government for the purposes of such canals, channels, tanks, pipes, reservoirs, and all buildings, machinery, fences, gates and other erections, occupied by or belonging to the Government, upon such lands :

(2) "New Irrigation Work" means any work of irrigation as defined in clause (1), constructed or completed after this Regulation comes into force :

'New Irrigation Work.'

(3) "Water Course" (*hikkal*) means any channel or pipe which is supplied with water from an irrigation work, but which is not maintained at the cost of the Government, and all subsidiary works connected with any such channel or pipe

'Water Course.'

except the sluice or outlet through which water is supplied to such channel or pipe :

(4) "Drainage work" means channels, either natural or artificial, for the discharge of waste or surplus water, and all works connected with or auxiliary to such channels and escape

'Drainage work.'

channels from an irrigation work, dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion formed or maintained by the Government either wholly or in part :

(5) "Deputy Commissioner" includes any officer appointed by the Government to exercise all or any of the powers of a Deputy

'Deputy Commissioner.'

Commissioner under this Regulation :

(6) "Irrigation Officer" means any officer not below the rank of an Assistant Commissioner or an Assistant Engineer appointed by

'Irrigation Officer.'

the Government to exercise all or any of the functions of an Irrigation Officer under this Regulation :

(7) "Owner" includes every person having a joint interest in the ownership

'Owner.'

the thing specified.

(8) "Labourer" means any person accustomed to manual labour :

Labourer'.

(9) "Magistrate" means a Magistrate of the first or second class and includes a Magistrate of the third class when he is specially empowered by the Government to try offences under this Regulation.

Magistrate'.

4. The Government or, subject to such rules as may be made under this Regulation, any Officer whom the Government empowers in this behalf, may declare by Notification in the *Official Gazette*, the Officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed, shall be exercised or performed.

CHAPTER II.

OF THE CONTROL OF WATER AND OF IRRIGATION WORKS.

Any Irrigation-Officer appointed in this behalf and any person acting under the general or special orders of such Irrigation-Officer may enter upon any land, building or water course, for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby, and of doing anything necessary for the proper regulation, maintenance and management of any irrigation or drainage work.

6. On any damage happening or being apprehended to any irrigation or drainage work, or in any other emergency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation or any drainage work, and may repair any existing work, construct any new work, or take and utilise any material, and take any measures or do anything that may in his opinion, be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

7. When an Irrigation Officer, or any person acting under his general or special orders in this behalf, proposes under the provisions of Section 5 or Section 6 to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden, such reasonable notice as the urgency of the case may allow.

CHAPTER III.

OF WATER COURSES.

(1) Any person desiring the construction, extension, improvement, or alteration of a water course may apply in writing to the Irrigation Officer appointed in this behalf, and the said officer shall, after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or have it constructed, extended, improved or altered, through the Public Works Department, on such terms and conditions as regards payment of costs, time and mode of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be decided upon in each case, or may reject the application. Against the order of the Irrigation Officer in this behalf, an appeal shall lie, within thirty days from the date of the said order, to the Deputy Commissioner whose decision shall be final.

(2) If it is necessary to acquire any land for the purposes of sub-section (1) of this section, the Deputy Commissioner of the District may proceed to acquire the same under the provisions of the Land Acquisition Regulation, 1894.

Explanation:—For the purposes of this sub-section, the construction, extension, improvement or alteration of a water course, though executed solely at the expense of a private person, shall be deemed to be a public purpose under sections 4, 6, 7 and 35 of the Land Acquisition Regulation, 1894.

9. No water course constructed, extended or improved under the provisions of Section 8 may be altered without the consent of the Irrigation Officer.

No alteration of water-course except with consent of Irrigation Officer.

10. Every owner or occupier of land which receives a supply of water from a water course shall be bound:—

Obligations of owners of land receiving supply from water-course.

(a) to maintain such water course in a fit state of repair; and
(b) to allow the use of it to any person entitled to the same by reason of an order passed under section 8.

11. (1) If any owner or occupier of land which receives a supply of water from a water course, fails to fulfil any obligation imposed on him by section 10, any Irrigation Officer appointed in this behalf may require him by notice to execute the necessary work or repair within such period, not less than five days from the date of service of notice, as may be prescribed therein, and in case of his default, may execute the same on his behalf.

Enforcement of said obligation:

(2) The expenses incurred by the Irrigation Officer on any work or repair under sub-section (1) of this section shall be recoverable from the defaulter as an arrear of land revenue.

CHAPTER IV.

REGULATION OF IRRIGATION.

12. The Deputy Commissioner of the District or any other officer specially empowered by the Government in this behalf may regulate in respect of any irrigation work for each year or for a specified term of years at a time, as circumstances may require,

Regulation of water supply from irrigation works.

(1) the time for letting out water for irrigation,
(2) the period of the supply, and
(3) the quantity of the supply,
after holding such enquiry as is provided for by rules framed by the Government and such regulation shall be final.

Every person desiring the supply of water from a new irrigation work, shall submit a written application to that effect to an Irrigation Officer appointed to receive such applications, in such form as may be prescribed by the Government.

Supply of water from a new irrigation work.

If the supply of water is desired for irrigation, it may be granted for such period and on such terms as may be prescribed by rules framed by the Government.

If the application is for the supply of water for purposes other than those of irrigation, the Irrigation Officer may, with the sanction of the Government, permit water to be taken for such purposes subject to such special conditions and restrictions as the Government may impose in each case.

14. The supply of water to any water course or to any person who is entitled to such supply shall not be stopped except in the circumstances and subject to the limitations specified below, namely,

Circumstances in which water supply may be stopped.

(a) whenever and so along as it is necessary to stop such supply—

- (i) for the purpose of executing any work ordered by competent authority; or
- (ii) in order to supply in rotation, the legitimate demand of other persons entitled to water;

(b) whenever and so long as any water course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom ; and

(c) within the periods fixed from time to time by an Irrigation Officer acting under section 15, of which reasonable notice shall be given.

15. An Irrigation Officer may in any year having regard to the quantity of water available in any irrigation work under his control determine the portion out of all or any of the wet lands in the irrigable area of such irrigation work, to be cultivated with irrigated crops and regulate the supply of water accordingly ; and if any land assessed as wet is not supplied with water for irrigation, he may remit such portion, not exceeding one-half of the assessment thereon as he thinks fit, subject to such rules regarding the remission of assessment as may be made by the Government and are for the time being in force.

Power of Irrigation Officer to determine the irrigable area and grant remission of assessment.

An appeal shall lie from the order of the Irrigation Officer under this section, within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

16. (1) All rights to the supply of water from an irrigation work, to any land, building or other immovable property shall be presumed to have passed to the transferee with the transfer of such land, building or other immovable property, whenever such a transfer has been effected.

Right to the supply of water passes with the property entitled to the supply.

(2) No person entitled to the use of land appertaining to any irrigation work or to use the water of any irrigation work shall sell or sub-let or otherwise transfer his right to such use without the permission of the Irrigation Officer duly empowered to grant such permission.

CHAPTER V.

OF THE CONSTRUCTION AND MAINTENANCE OF IRRIGATION WORKS ON SPECIAL TERMS.

17. Whenever it appears to the Government that the construction or improvement of an irrigation work in any local area is not likely to be remunerative unless on the lands irrigable by such work, payment of an acreage contribution or water-rate or both, in accordance with such rules as may be framed by the Government is guaranteed, the Government may direct the Deputy Commissioner or any other officer appointed by them in this behalf to hold an enquiry in the manner hereinafter provided.

Preliminary enquiry to be held when the levy of acreage contribution or water-rate or both is necessary for undertaking construction or improvement of an irrigation work.

18. The Deputy Commissioner or other officer appointed to make the enquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than thirty days after the last date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction or improvement, an estimate of the capital and recurring expenditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area) and the rates at which it is proposed to levy contribution or water-rate or both in respect of the lands within the benefited area, and shall invite the holders of such lands to submit any objections or suggestions that they may desire to make, on or before the date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the enquiry.

Procedure in holding the enquiry.

19. If the Deputy Commissioner or other officer appointed to make the enquiry after considering any objections or suggestions duly submitted and the evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area give their consent in writing to such construction or improvement and to the payment of the

Report of the enquiring officer.

proposed contribution or water-rate or both, he shall embody his proceedings in a report, and submit the same to the Government together with a statement of objections and suggestions presented to him and any remarks he may desire to make in respect of them.

20. Upon receipt of the report submitted under section 19, the Government may after such further enquiry, if any, as it may make either abandon the scheme, or proceed with the scheme in the original form or with such modifications as it may consider necessary; provided that where the modifications involve a substantial increase in the benefited area or in the acreage contribution or water-rate to be imposed, the provisions of sections 18 and 19 shall apply to the altered scheme.

21. (1) The scheme as finally approved by the Government shall be published in the *Official Gazette*, and it shall embody the following particulars:—
 Publication of the scheme as finally approved by the Government.

(a) a specification of the work which it is proposed to construct or improve and an estimate of the capital and recurring expenditure involved thereby;
 the estimated time required for the completion of the work;
 a description of the benefited area;
 the rates at which contribution will be recovered in respect of the lands in the benefited area;

(e) the rates at which water rate will be imposed on the lands in the benefited area; and

(f) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

(2) The contribution referred to in clause (a) of sub-section (1) shall not exceed one-half of the difference between the value of the wet and dry lands in the locality.

(3) The water-rate referred to in clause (e) of sub-section (1) shall be liable to periodical revision at intervals of not less than ten years.

(4) The publication under sub-section (1) of a scheme as approved by the Government shall be conclusive proof that any consent recorded therein has been duly obtained.

22. After the scheme has been carried out, the Deputy Commissioner may subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land within the benefited area, in addition to the assessment fixed under the provisions of section 112 of the Mysore Land Revenue Code, 1888, contribution or water-rate or both at the rates referred to in section 21.

Provided that the Deputy Commissioner may exempt from the whole or any part of this liability any land in the benefited area on the ground that the benefit from the irrigation work does not reach such land.

Provided further that when a water-rate is levied from the holder of any land under this section, no such rate shall be leviable in respect of such land under the provisions of section 53 of the Mysore Land Revenue Code, 1888.

CHAPTER VI.

OF OBTAINING LABOUR AND MATERIALS IN EMERGENCIES.

23. (i) Whenever it appears to an Irrigation Officer, or in his absence the Amildar of the Taluk, that unless some work or repair is immediately executed any irrigation or drainage work would sustain such serious damage as to cause sudden and extensive public injury, that unless some clearance of an irrigation or drainage work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss would occur,

Impressment of labour and materials for urgent works of repair, etc

and that the labourers necessary for the proper execution of such work, repair or clearance cannot be obtained in the ordinary manner in time to prevent such injury or loss,

it shall be lawful for such officer to require the Patel or Patels of the village or villages in the vicinity to call upon all or any of the labourers who reside or hold land in or near the locality where such work, repair or clearance has to be executed to assist in the execution of the same by their labour, as such officer or other person authorised by him in this behalf may direct.

(ii) Such officer or other person authorised by him in this behalf, may also enter upon or into any immovable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees and any timber, bamboos, mats, ropes, straw, earth, stones or other materials found in or upon such property, and use the same for the purposes of such work, repair or clearance.

(iii) Every person so authorised shall be deemed to be a public servant within the meaning of the Indian Penal Code.

24. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under Section 23 or whose materials may be taken under that Section shall, as soon as may be reasonably practicable and in any case within fifteen days from the date of such impressment, be paid by the Irrigation Officer or the Amildar as the case may be, for their labour and detention or for such materials at 25 per cent in excess of the rates for the time being prevailing in the neighbourhood. If the persons are required to work or are detained at night, they shall be paid at double such rates.

25. Whenever as a result of the removal, under section 23, of any trees, bamboos, earth, stone or other materials, any damage over and above the price payable for such materials results directly to any person, the Irrigation Officer or the Amildar, as the case may be, shall pay to such person a reasonable amount of compensation for such damage, subject to such rules as may be framed in this behalf by the Government.

26. Against an order under section 24 or section 25, an appeal shall lie within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

Appeals against orders under sections 24 and 25.

CHAPTER VII.

OF CUSTOMARY LABOUR.

27. The provisions of this Chapter shall apply to the following irrigation and drainage works:—

Works for which customary labour is enforceable.

- (a) All river and spring channels;
- (b) All tanks;
- (c) All feeder channels connected with tanks;

28. (i) Every occupier of land, irrigated or drained by any irrigation or drainage work, as well as the inhabitants of the village or villages and all others who derive any benefit, directly or indirectly from the work shall perform, in respect of such work, without payment, the following customary labour:—

Nature of, and persons liable to perform, customary labour; and the levy of cash contribution in lieu of labour

- (a) Filling up *gullies*, cracks, ruts and holes;
- (b) Removing any rank growth or pernicious weed,
- (c) Clearing such underwood as may be considered by the Irrigation Officer to be injurious;
- (d) Clearing sand or silt from sluices and branch channels and repairing the earth work of petty and branch channels and clearing the accumulation in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields;

(e) Maintaining the bund to the standard level and with the slopes specified ;

(f) Keeping in order the feeder channels of tanks ;

(g) Watching the bunds of all tanks during rainy weather, turving the parts acted on by the waves, helping in opening and closing the sluices, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation.—All land forming part of the registered or recognised *atcukat* of an irrigation work shall be deemed to be land irrigated by such work, within the meaning of this section.

(ii) The Government may by an order direct in respect of all or any of the aforesaid works in any locality, that the customary labour to be performed under this section need not be performed either wholly or in part, or that in lieu of such labour a contribution in cash at a flat rate per acre of holding be levied on the persons bound to perform the same. Such order may at any time be cancelled or modified by the Government.

29. It shall be the duty of the Patel of every village to see that in respect of any irrigation or drainage work situated in the village or villages in his charge the customary labour specified in section 28 is duly performed and the work maintained in an efficient condition.

30. If during the execution of any work any person who is bound to contribute labour towards such work, neglects or refuses to do so, the Patel or, upon the report of the Patel the Irrigation Officer, may get the work performed by hired labourers, after giving notice by beat of drum in villages in which the persons bound to do the work ordinarily reside or the land so irrigated or drained is situate, requiring such persons to carry out the work by a specified date and on their failure to comply with the requisition within the appointed time.

31. The quantum of labour which each person liable under section 28 is bound to contribute, and the proportionate share of labour for each village where an irrigation or drainage work serves more than one village, shall be determined in accordance with rules framed by the Government in this behalf.

32. Whenever any person who is bound to contribute labour under section 28 neglects or fails to do so without sufficient and reasonable cause, the Irrigation Officer may levy from such person a sum not exceeding twice the value of the labour which such person is bound to contribute, and such amount shall be recoverable as an arrear of land revenue.

Against the order of the Irrigation Officer, an appeal shall lie, within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

33. (i) Whoever voluntarily and without proper authority damages, alters, enlarges or obstructs any irrigation or drainage work ;

(ii) interferes with, increases or diminishes the supply of water in, or the f water from, through, over or under any irrigation or drainage work or does any act which renders such irrigation or drainage work less useful than is intended for the purpose for which it was constructed ;

(iii) opens, shuts or obstructs, or attempts to open, shut or obstruct, any sluice in any irrigation work ;

(iv) corrupts, or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used ;

or, defaces or moves any land or level mark or water gauge fixed by the authority of a public servant ;

(vi) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work;

(vii) causes any animal or vehicle to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under section 43;

(viii) causes or permits any animal to graze or be tethered upon the bank or border of any irrigation or drainage work;

(ix) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation or drainage work;

(x) puts up a dam across or otherwise obstructs the free course of water, the right to which vests in the Government;

(xi) violates any rule made under section 43, the breach whereof is declared to be an offence punishable under this section; and

(xii) whoever, being responsible for the use and maintenance of a water course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner, or prevents or interferes with the lawful use of such water course by any person authorised to use the same, under section 8, shall be deemed to commit an offence under this Regulation and shall, on conviction before a Magistrate be punished for each such offence with fine which may extend to one hundred rupees.

34. Any labourer who, being duly called upon by the Patel of his village to assist by his labour in the execution of any work under section 23 refuses or neglects to comply with such call without lawful excuse, shall on conviction before a Magistrate be punished with fine which may extend to one hundred rupees or with simple imprisonment which may extend to one month or with both.

35. All offences under this Regulation are triable summarily in the manner provided in chapter XXII of the Criminal Procedure Code.

36. When any person is convicted of an offence under section 33 or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work, the convicting Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any Irrigation Officer may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

37. When the person causing any damage, alteration, enlargement or obstruction to any irrigation or drainage work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, after giving not less than one month's notice to the occupiers of all lands in his opinion benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration, enlargement or obstruction, in such proportion as he thinks fit.

38. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this Regulation.

39. Any person in charge of, or employed upon any irrigation work, may remove from the lands or buildings belonging thereto any person who within his view :

i) wilfully damages, obstructs, or fouls any irrigation work, or
ii) without proper authority interferes with the supply or flow of water in or from an irrigation work so as to endanger, damage, or render less useful any irrigation work ;
and may, if the name and address of such person be unknown or if he refuses to give his name or address or gives a name or address which such officer has reason

to believe to be false, arrest him without a warrant and take or forward him to the Patel of the village within the limits of which such damage, obstruction or interference has been caused. The Patel shall thereupon hold such enquiry as he may think necessary and if he finds the allegation to be well founded, file a complaint before the Magistrate having jurisdiction to try the case. If such enquiry is not commenced and completed on the day on which such person is arrested the Patel shall admit such person to bail or, if sufficient bail is not tendered, forward him forthwith in custody to the said Magistrate with a report of the circumstances under which such arrest was made.

CHAPTER IX.

MISCELLANEOUS.

40. The Government or the Revenue Commissioner may call for and examine the records of the proceedings under this Regulation of a Deputy Commissioner for the purpose of satisfying himself or himself as to the propriety of any decision or order passed by him and the regularity of his proceedings.

If in any case it shall appear that any decision or order or proceedings of a Deputy Commissioner should be modified, annulled or reversed, the Government or the Revenue Commissioner may pass such order thereon as it or he deems fit.

41. Any Officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, and every such enquiry shall be deemed a judicial proceeding.

42. Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the Officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person named therein. When such person cannot be found, the service may be made on any adult male member of his family, residing with him, and if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and if such person has no ordinary place of residence within the village, service of any notice may be made by sending a copy of such notice by post in a registered cover addressed to such person at his usual place of residence, and if the place of residence is not known by affixing it in the *chavadi* of the village to which the action relates.

43. No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with under the provisions of chapter VI or chapter VII.

44. i. The Government may, after due publication, make rules not inconsistent with this Regulation to carry out all or any of the provisions of the Regulation.

ii. Without prejudice to the generality of the foregoing power, such rules may regulate the following matters, namely:—

(a) the proceedings of any officer who under any provision of this Regulation, is required or empowered to take action in any matter;

(b) the cases in which, the officers to whom and the time and conditions subject to which orders and decisions given under any provision of this Regulation and not expressly provided for as regards appeal, shall be appealable;

(c) the person by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this Regulation shall be done;

(d) the amount of any charge to be made under this Regulation;

(e) matters falling under sections 8 and 12.

iii. The rules made under this section shall be published in the *Official Gazette* and shall thereupon have effect as if enacted in this Regulation.

II.

GENERAL PRINCIPLES OF THE BILL FURTHER TO AMEND THE
MYSORE MUNICIPAL REGULATION, 1906.

The present Municipal Regulation does not provide for a license being obtained from the Municipal Council to burn bricks for other than trade purposes.

2. As the places generally used for burning bricks for other than trade purposes are situated in the midst of inhabited houses they are a source of nuisance to the neighbourhood. It is therefore proposed to amend the present Regulation so as to enable the Municipal Councils to insist upon licenses being taken out for burning bricks for other than trade purposes.

3. A draft Bill further to amend the Mysore Municipal Regulation, 1906, has been prepared and placed before the Representative Assembly for expression of their views.

BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION.

Whereas it is expedient further to amend the Mysore Municipal Regulation, 1906, It is hereby enacted as follows:—

After section 138, the following new section shall be inserted:—

“138A. It shall be lawful for the Municipal Council to publish by a notification in the Official Gazette and by beat of drum that no place within Municipal Limits shall be used for burning bricks for other than trade purposes without a license from the Municipal Council and except in accordance with the conditions specified therein.

Provided that no such notification shall take effect until 60 days from the date of publication.

(2) Any person who, after the publication of such notification, wishes to use such place for such purpose shall apply to the Municipal Council for a license therefor.

(3) The Municipal Council may, by an order and under such restrictions as they think fit, grant or refuse to grant such license.

(4) Every such license shall expire on such date as may be specified therein.”

STATEMENT OF OBJECTS AND REASONS.

Under section 151 of the Mysore Municipal Regulation, it is not necessary to obtain a license from the Municipal Council to burn bricks for other than trade purposes. Usually the places used for burning bricks for other than trade purposes are in the midst of inhabited houses and are a source of nuisance to the neighbourhood. In order to abate this nuisance and enable the Municipal Councils to insist upon licenses being taken out for burning bricks for other than trade purposes, it is proposed to amend the Mysore Municipal Regulation, as above.

III.

GENERAL PRINCIPLES OF THE BILL TO FURTHER AMEND
THE VILLAGE PANCHAYET REGULATION

There is at present no provision in the Village Panchayet Regulation, as in the Municipal and District Board Regulations, for the removal of the members of Village Panchayets who absent themselves without leave. It is therefore proposed to amend the Village Panchayet Regulation so as to provide for the members of the Village Panchayets who absent themselves without the leave of the Panchayets for more than three consecutive meetings of the Panchayet concerned.

A Bill further to amend the Panchayet Regulation has been prepared and placed before the Representative Assembly for expression of their views.

BILL TO FURTHER AMEND THE MYSORE VILLAGE PANCHAYET
REGULATION, 1926.

Whereas it is expedient to further amend the Mysore Village Panchayet Regulation, 1926, in certain particulars, It is hereby enacted as follows :—

In Sub-section 2 of Section 13 of the said Regulation, between the words “elected or appointed,” and “he shall cease,” the following shall be inserted, namely, “or absents himself without the leave of the Panchayet for more than three consecutive meetings of the Panchayet.”

STATEMENT OF OBJECTS AND REASONS.

This amendment is proposed to provide for the removal of members of Village Panchayets who absent themselves without the leave of the Panchayets for more than three consecutive meetings of the Panchayet. There are provisions in the existing Municipal and District Board Regulations for removing such of those members as absented themselves for certain periods from the meetings of those bodies.

IV.

GENERAL PRINCIPLES OF THE BILL TO AMEND THE CODE
OF CIVIL PROCEDURE.

The object of the amendment in view is to bring the Zillo Forces which form part of the Palace Troops, within the definition of “Palace Troops” in section 2 (14. A) of the Civil Procedure Code. It is also proposed in this connection to replace the obsolete names of some of the units of the Mysore Military Forces specified in the definition of this expression in section 2 (13. A) of the Code, by their current designations.

DATED BANGALORE,
3th September 1929.

MAHADEVAYYA,
Ex-officio *Secretary*,
Representative Assembly.

NOTIFICATION.

No. 2764—L. C., dated 26th November 1929.

Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Irrigation Bill is published for general information with the statement of objects and reasons.

By Order,

P. MAHADEVAYYA,
Ex-officio *Secretary*,
Legislative Council.

The Mysore Irrigation Bill.

Whereas it is expedient to make adequate provision for the proper regulation and control of water, for the levy of contribution, for the regulation of customary labour, for the punishment of Irrigation Offences and such other matters pertaining to irrigation as are not adequately provided for in the existing Regulations and Rules having the force of law; It is hereby enacted as follows:—

Preamble.

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called the Mysore Irrigation Regulation, 19 .

Short Title

2. The Government may, by notification in the *Official Gazette*, extend this Regulation, or any portion thereof to any local area or to any class of irrigation works, and may also by a like notification subsequently exclude any portion of such local area or any such irrigation work or class of works from the operation of the Regulation, from such date as may be specified therein;

Extent and
commence-
ment.

Provided that all existing Regulations, Rules, Orders or usages having the force of law, in so far as they are inconsistent with any of the provisions of this Regulation and the Rules made thereunder, in the areas and with respect to the classes of irrigation works to which this

M. I. B.

Regulation is extended, are repealed to the extent to which they are so inconsistent;

And provided further that nothing herein contained shall be deemed to affect any acts done or liabilities incurred under the said Regulations, Rules, Orders or usages having the force of law.

Definitions.

3. In this Regulation, unless there is anything repugnant in the subject or context:—

'Irrigation work.'

(1) "Irrigation work" includes—

(a) all reservoirs, tanks, canals, channels and pipes constructed, maintained or controlled wholly or mainly by the Government for the supply or storage of water for purposes of irrigation;

(b) all works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, canals, channels or pipes and all roads constructed for the purpose of facilitating the construction or maintenance of such canals, channels, tanks, pipes or reservoirs;

(c) All water courses and drainage works as hereinafter defined;

(d) All lands occupied by the Government for the purposes of such canals, channels, tanks, pipes, reservoirs, and all buildings, machinery, fences, gates and other erections, occupied by or belonging to the Government, upon such lands;

'New Irrigation Work.'

(2) "New Irrigation Work" means any work of irrigation as defined in clause (1), constructed or completed after this Regulation comes into force:

'Water Course.'

(3) "Water Course" (*hikkal*) means any channel or pipe which is supplied with water from an irrigation k, but which is not maintained at the cost of the Government, and all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe:

'Drainage work.'

(4) "Drainage work" means channels, either natural or artificial, for the discharge of waste or surplus water, and all works connected with or auxiliary to such channels and escape channels from an irrigation work, dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion formed or maintained by the Government either wholly or in part:

(5) "Deputy Commissioner" includes any officer appointed by the Government to exercise all or any of the powers of a Deputy Commissioner under this Regulation :

'Deputy Commissioner.'

(6) "Irrigation-Officer" means any officer not below the rank of an Assistant Commissioner or an Assistant Engineer appointed by the Government to exercise all or any of the functions of an Irrigation Officer under this Regulation :

'Irrigation Officer.'

(7) "Owner" includes every person having a joint interest in the ownership of the thing specified.

'Owner.'

(8) "Labourer" means any person accustomed to manual labour :

'Labourer.'

(9) "Magistrate" means a Magistrate of the first or second class and includes a Magistrate of the third class when he is specially empowered by the Government to try offences under this Regulation.

'Magistrate.'

4. The Government or, subject to such rules as may be made under this Regulation, any Officer whom the Government empowers in this behalf, may declare by Notification in the *Official Gazette*, the Officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed, shall be exercised or performed.

CHAPTER II.

OF THE CONTROL OF WATER AND OF IRRIGATION WORKS.

5. Any Irrigation Officer appointed in this behalf and any person acting under the general or special orders of such Irrigation Officer may enter upon any land, building or water course, for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby, and of doing anything necessary for the proper regulation, maintenance and management of any irrigation or drainage work.

Power to enter upon land for purposes of inspection, etc.

6. On any damage happening or being apprehended to any irrigation or drainage work, or in any other emergency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation or any drainage

Powers of repairing, preventing damage to an irrigation or drainage work.

work, and may repair any existing work, construct any new work, or take and utilise any material, and take any measures or do anything that may in his opinion, be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

Notice of
intended
entry on
private
property to be
given in cer-
tain cases.

7. When an Irrigation Officer, or any person acting under his general or special orders in this behalf, proposes under the provisions of section 5 or section 6 to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden, such reasonable notice as the urgency of the case may allow.

CHAPTER III.

OF WATER COURSES.

Construction,
extension,
improvement
or alteration
of a water
course on the
application of
person in-
terested.

8. (1) Any person desiring the construction, extension, improvement, or alteration of a water course may apply in writing to the Irrigation Officer appointed in this behalf, and the said officer shall, after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or have it constructed, extended, improved or altered, through the Public Works Department on such terms and conditions as regards payment of costs, time and mode of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be decided upon in each case, or may reject the application. Against the order of the Irrigation Officer in this behalf, an appeal shall lie, within thirty days from the date of the said order, to the Deputy Commissioner whose decision shall be final.

(2) If it is necessary to acquire any land for the purposes of sub-section (1) of this section, the Deputy Commissioner of the District may proceed to acquire the same under the provisions of the Land Acquisition Regulation, 1894.

*Explanation :—*For the purposes of this sub-section, the construction, extension, improvement or alteration of a water course, though executed solely at the expense of a

private person, shall be deemed to be a public purpose under sections 4, 6, 7 and 35 of the Land Acquisition Regulation, 1894.

9. No water course constructed, extended or improved under the provisions of section 8 may be altered without the consent of the Irrigation Officer.

No alteration of water course except with consent of Irrigation Officer.

10. Every owner or occupier of land which receives a supply of water from a water course shall be bound :—

Obligations of owners of land receiving supply from water course.

(a) to maintain such water course in a fit state of repair; and

(b) to allow the use of it to any person entitled to the same by reason of an order passed under section 8.

11. (1) If any owner or occupier of land which receives a supply of water from a water course, fails to fulfil any obligation imposed on him by section 10, any Irrigation Officer appointed in this behalf may require him by notice to execute the necessary work or repair within such period, not less than five days from the date of service of notice, as may be prescribed therein, and in case of his default, may execute the same on his behalf.

Enforcement of said obligations.

(2) The expenses incurred by the Irrigation Officer on any work or repair under sub-section (1) of this section shall be recoverable from the defaulter as an arrear of land revenue.

CHAPTER IV.

REGULATION OF IRRIGATION.

12. The Deputy Commissioner of the District or any other officer specially empowered by the Government in this behalf may regulate in respect of any irrigation work for each year or for a specified term of years at a time, as circumstances may require,

Regulation of water-supply from irrigation works.

(1) the time for letting out water for irrigation,

(2) the period of the supply, and

(3) the quantity of the supply,

after holding such enquiry as is provided for by rules framed by the Government and such regulation shall be final.

13. Every person desiring the supply of water from a new irrigation work, shall submit a written application to that effect to an Irrigation Officer appointed to receive

Supply of water from a new irrigation work.

such applications, in such form as may be prescribed by the Government.

If the supply of water is desired for irrigation, it may be granted for such period and on such terms as may be prescribed by rules framed by the Government.

If the application is for the supply of water for purposes other than those of irrigation, the Irrigation Officer may, with the sanction of the Government, permit water to be taken for such purposes subject to such special conditions and restrictions as the Government may impose in each case.

Circumstances in which water-supply may be stopped.

14. The supply of water to any water course or to any person who is entitled to such supply shall not be stopped except in the circumstances and subject to the limitations specified below, namely,

(a) whenever and so long as it is necessary to stop such supply—

(i) for the purpose of executing any work ordered by competent authority; or

(ii) in order to supply in rotation, the legitimate demand of other persons entitled to water;

(b) whenever and so long as any water course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom; and

(c) within the periods fixed from time to time by an Irrigation Officer acting under section 15, of which reasonable notice shall be given.

Power of Irrigation Officer to determine the irrigable area and grant remission of assessment.

15. An Irrigation Officer may in any year having regard to the quantity of water available in any irrigation work under his control determine the portion out of all or any of the wet lands in the irrigable area of such irrigation work, to be cultivated with irrigated crops and regulate the supply of water accordingly; and if any land assessed as wet is not supplied with water for irrigation, he may remit such portion, not exceeding one-half of the assessment thereon as he thinks fit, subject to such rules regarding the remission of assessment as may be made by the Government and are for the time being in force.

An appeal shall lie from the order of the Irrigation Officer under this section, within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

16. (1) All rights to the supply of water from an irrigation work, to any land, building or other immovable property shall be presumed to have passed to the transferee with the transfer of such land, building or other immovable property, whenever such a transfer has been effected.

Right to the supply of water passes with the property entitled to the supply.

(2) No person entitled to the use of land appertaining to any irrigation work or to use the water of any irrigation work shall sell or sub-let or otherwise transfer his right to such use without the permission of the Irrigation Officer duly empowered to grant such permission.

CHAPTER V.

OF THE CONSTRUCTION AND MAINTENANCE OF IRRIGATION WORKS ON SPECIAL TERMS.

17. Whenever it appears to the Government that the construction or improvement of an irrigation work in any local area is not likely to be remunerative unless on the lands irrigable by such work, payment of an acreage contribution or water-rate or both, in accordance with such rules as may be framed by the Government is guaranteed, the Government may direct the Deputy Commissioner or any other officer appointed by them in this behalf to hold an enquiry in the manner hereinafter provided.

Preliminary enquiry to be held when the levy of acreage contribution or water-rate or both is necessary for undertaking construction or improvement of an irrigation work.

18. The Deputy Commissioner or other officer appointed to make the enquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than thirty days after the last date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction or improvement, an estimate of the capital and recurring expenditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area) and the rates at which it is proposed to levy contribution or water-rate or both in respect of the lands within the benefited area, and shall invite the holders of such lands to submit any objections or suggestions that they may desire to make on or before the date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the enquiry.

Procedure in holding the enquiry.

Report of the
enquiring
officer.

19. If the Deputy Commissioner or other officer appointed to make the enquiry after considering any objections or suggestions duly submitted and the evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area give their consent in writing to such construction or improvement and to the payment of the proposed contribution or water-rate or both, he shall embody his proceedings in a report, and submit the same to the Government together with a statement of objections and suggestions presented to him and any remarks he may desire to make in respect of them.

Government
may abandon
or proceed
with the
scheme.

20. Upon receipt of the report submitted under section 19, the Government may after such further enquiry, if any, as it may make either abandon the scheme, or proceed with the scheme in the original form or with such modifications as it may consider necessary; provided that where the modifications involve a substantial increase in the benefited area or in the acreage contribution or water-rate to be imposed, the provisions of sections 18 and 19 shall apply to the altered scheme.

Publication of
the scheme as
finally ap-
proved by the
Government.

21. (1) The scheme as finally approved by the Government shall be published in the *Official Gazette*, and it shall embody the following particulars:—

(a) a specification of the work which it is proposed to construct or improve and an estimate of the capital and recurring expenditure involved thereby;

(b) the estimated time required for the completion of the work;

(c) a description of the benefited area;

(d) the rates at which contribution will be recovered in respect of the lands in the benefited area;

(e) the rates at which water rate will be imposed on the lands in the benefited area; and

(f) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

(2) The contribution referred to in Clause (d) of sub-section (1) shall in no case exceed one-half of the difference between the value of the wet and dry lands in the locality.

(3) The water-rate referred to in clause (e) of sub-section (1) shall be liable to periodical revision at intervals of not less than ten years.

(4) The publication under sub-section (1) of a scheme as approved by the Government shall be conclusive proof that any consent recorded therein has been duly obtained.

22. After the scheme has been carried out, the Deputy Commissioner may, subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land within the benefited area, in addition to the assessment fixed under the provisions of section 112 of the Mysore Land Revenue Code, 1888, contribution or water-rate or both at the rates referred to in section 21.

Levy of contribution and water rate on lands within the benefited area.

Provided that the Deputy Commissioner may exempt from the whole or any part of this liability any land in the benefited area on the ground that the benefit from the irrigation work does not reach such land.

Provided further that when a water-rate is levied from the holder of any land under this section, no such rate shall be leviable in respect of such land under the provisions of section 53 of the Mysore Land Revenue Code, 1888.

CHAPTER VI.

OF OBTAINING LABOUR AND MATERIALS IN EMERGENCIES.

23. (i) Whenever it appears to an Irrigation Officer, or in his absence the Amildar of the Taluk, that unless some work or repair is immediately executed any irrigation or drainage work would sustain such serious damage as to cause sudden and extensive public injury,

Impressment of labour and materials for urgent works of repair, etc.

or, that unless some clearance of an irrigation or drainage work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss would occur,

and that the labourers necessary for the proper execution of such work, repair or clearance cannot be obtained in the ordinary manner in time to prevent such injury or loss,

it shall be lawful for such officer to require the Patel or Patels of the village or villages in the vicinity to call upon all or any of the labourers who reside or hold land in or near the locality where such work, repair or clearance has to be executed to assist in the execution of the same by their labour, as such officer or other person authorised by him in this behalf may direct.

(ii) Such officer or other person authorised by him in this behalf, may also enter upon or into any immovable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees and any timber, bamboos, mats, ropes straw, earth, stones or other materials found in or upon such property, and use the same for the purposes of such work, repair or clearance.

(iii) Every person so authorised shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Payment for
materials
taken.

24. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under section 23 or whose materials may be taken under that section shall, as soon as may be reasonably practicable and in any case within fifteen days from the date of such impressment, be paid by the Irrigation Officer or the Amildar as the case may be, for their labour and detention or for such materials at 25 per cent in excess of the rate for the time being prevailing in the neighbourhood: If the persons are required to work or are detained at night they shall be paid at double such rates.

Compensation
for damage
done in taking
materials.

25. Whenever as a result of the removal, under section 23, of any trees, bamboos, earth, stone or other materials, any damage over and above the price payable for such materials results directly to any person, the Irrigation Officer or the Amildar, as the case may be, shall pay to such person a reasonable amount of compensation for such damage, subject to such rules as may be framed in this behalf by the Government.

Appeals
against orders
under sections
24 and 25.

26. Against an order under section 24 or section 25 an appeal shall lie within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

CHAPTER VII.

OF CUSTOMARY LABOUR.

Works for
which custo-
mary labour
is enforceable

27. The provisions of this chapter shall apply to the following irrigation and drainage works :—

- (a) All river and spring channels ;
- (b) All tanks ;
- (c) All feeder channels connected with tanks.

28. (i) Every occupier of land, irrigated or drained by any irrigation or drainage work, as well as the inhabitants of the village or villages and all others who derive any benefit, directly or indirectly from the work shall perform, in respect of such work, without payment, the following customary labour:—

Nature of, and persons liable to perform, customary labour, and the levy of cash contribution in lieu of labour.

- (a) Filling up *gullies*, cracks, ruts and holes;
- (b) Removing any rank growth or pernicious weed;
- (c) Clearing such underwood as may be considered by the Irrigation Officer to be injurious;
- (d) Clearing sand or silt from sluices and branch channels and repairing the earth work of petty and branch channels and clearing the accumulation in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields;
- (e) Maintaining the bund to the standard level and with the slopes specified;
- (f) Keeping in order the feeder channels of tanks;
- (g) Watching the bunds of all tanks during rainy weather, turving the parts acted on by the waves, helping in opening and closing the sluices, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation.—All land forming part of the registered or recognised *atchkat* of an irrigation work shall be deemed to be land irrigated by such work, within the meaning of this section.

(ii) The Government may by an order direct in respect of all or any of the aforesaid works in any locality that the customary labour to be performed under this section need not be performed either wholly or in part, or that in lieu of such labour a contribution in cash at a flat rate per acre of holding be levied on the persons bound to perform the same. Such order may at any time be cancelled or modified by the Government.

29. It shall be the duty of the Patel of every village to see that in respect of any irrigation or drainage work situated in the village or villages in his charge the customary labour specified in section 28 is duly performed and the work maintained in an efficient condition.

Village Patel responsible for due performance of customary labour.

30. If during the execution of any work any person who is bound to contribute labour towards such work, neglects or refuses to do so, the Patel or, upon the report of the Patel the Irrigation Officer, may get the work

Execution of work with hired labour on failure of customary labour.

performed by hired labourers, after giving notice by beat of drum in villages in which the persons bound to do the work ordinarily reside or the land so irrigated or drained is situate, requiring such persons to carry out the work by a specified date and on their failure to comply with the requisition within the appointed time.

Determina-
tion of quan-
tum of labour
to be contri-
buted.

31. The quantum of labour which each person liable under section 28 is bound to contribute, and the proportionate share of labour for each village where an irrigation or drainage work serves more than one village, shall be determined in accordance with rules framed by the Government in this behalf.

Penalty for
failure to per-
form custom-
ary labour.

32. Whenever any person who is bound to contribute labour under section 28 neglects or fails to do so without sufficient and reasonable cause, the Irrigation Officer may levy from such person a sum not exceeding twice the value of the labour which such person is bound to contribute, and such amount shall be recoverable as an arrear of land revenue.

Against the order of the Irrigation Officer, an appeal shall lie, within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

Offences
under the
Regulation.

33. (i) Whoever voluntarily and without proper authority damages, alters, enlarges or obstructs any irrigation or drainage work ;

(ii) interferes with, increases, or diminishes the supply of water in, or the flow of water from, through, over or under any irrigation or drainage work or does any act which renders such irrigation or drainage work less useful than is intended for the purpose for which it was constructed ;

(iii) opens, shuts or obstructs, or attempts to open shut or obstruct, any sluice in any irrigation work ;

(iv) corrupts, or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used ;

(v) destroys, defaces or moves any land or level mark or water gauge fixed by the authority of a public servant ;

(vi) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work;

(vii) causes any animal or vehicle to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under section 43;

(viii) causes or permits any animal to graze or be tethered upon the bank or border of any irrigation or drainage work;

(ix) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation or drainage work;

(x) puts up a dam across or otherwise obstructs the free course of water, the right to which vests in the Government;

(xi) violates any rule made under section 43, the breach whereof is declared to be an offence punishable under this section; and

(xii) whoever, being responsible for the use and maintenance of a water course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner, or prevents or interferes with the lawful use of such water course by any person authorised to use the same, under section 8, shall be deemed to commit an offence under this Regulation and shall, on conviction before a Magistrate be punished for each such offence with fine which may extend to one hundred rupees.

34. Any labourer who, being duly called upon by the Patel of his village to assist by his labour in the execution of any work under section 23 refuses or neglects to comply with such call without lawful excuse, shall on conviction before a Magistrate be punished with fine which may extend to one hundred rupees or with simple imprisonment which may extend to one month or with both. penalty.

35. All offences under this Regulation are triable summarily in the manner provided in chapter XXII of the Criminal Procedure Code.

Persons convicted under section 38 or of the offence of mischief in relation to an irrigation or drainage work liable to repair the damage, etc.

36. When any person is convicted of an offence under section 38 or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work, the convicting Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any Irrigation Officer may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

Recovery of cost of repairing damage when the offender is unascertainable.

37. When the person causing any damage, alteration, enlargement or obstruction to any irrigation or drainage work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, after giving not less than one month's notice to the occupiers of all lands in his opinion benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration, enlargement or obstruction, in such proportion as he thinks fit.

Punishment under other laws not barred.

38. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this Regulation.

Power to remove obstruction or damage to works.

39. Any person in charge of, or employed upon any irrigation work may remove from the lands or buildings belonging thereto any person who within his view :

(i) wilfully damages, obstructs, or fouls any irrigation work, or

(ii) without proper authority interferes with the supply or flow of water in or from an irrigation work so as to endanger, damage, or render less useful any irrigation work ;

and may, if the name and address of such person be unknown or if he refuses to give his name or address or gives a name or address which such officer has reason to believe to be false, arrest him without a warrant and take or forward him to the Patel of the village within the limits of which such damage, obstruction or interference has been

provided that no person shall be punished twice for the same offence.

caused. The Patel shall thereupon hold such enquiry as he may think necessary and if he finds the allegation to be well founded, file a complaint before the Magistrate having jurisdiction to try the case. If such enquiry is not commenced and completed on the day on which such person is arrested the Patel shall admit such person to bail or, if sufficient bail is not tendered, forward him forthwith in custody to the said Magistrate with a report of the circumstances under which such arrest was made.

CHAPTER IX.

MISCELLANEOUS.

40. The Government or the Revenue Commissioner may call for and examine the records of the proceedings under this Regulation of a Deputy Commissioner for the purpose of satisfying itself or himself as to the propriety of any decision or order passed by him and the regularity of his proceedings.

Powers of
Revenue
Commissioner
to review.

If in any case it shall appear that any decision or order or proceedings of a Deputy Commissioner should be modified, annulled or reversed, the Government or the Revenue Commissioner may pass such order thereon as it or he deems fit.

41. Any Officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, and every such enquiry shall be deemed a judicial proceeding.

Power to
summon and
examine
witnesses.

42. Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the Officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person named therein. When such person cannot be found, the service may be made on any adult male member of his family, residing with him, and if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and if such person has no ordinary place of residence within the village, service of any notice may be made by sending a copy of such notice by post in a

Manner of
serving
notices.

registered cover addressed to such person at his usual place of residence, and if the place of residence is not known by affixing it in the *chavadi* of the village to which the action relates.

Jurisdiction
of Civil
Courts barred.

43. No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with under the provisions of Chapter VI or Chapter VII. -

Power to
make rules.

44. (i) The Government may, after due publication, make rules not inconsistent with this Regulation to carry out all or any of the provisions of the Regulation.

(ii) Without prejudice to the generality of the foregoing power, such rules may regulate the following matters, namely:—

(a) the proceedings of any officer who under any provision of this Regulation, is required or empowered to take action in any matter ;

(b) the cases in which, the officers to whom and the time and conditions subject to which orders and decisions given under any provision of this Regulation and not expressly provided for as regards appeal, shall be appealable ;

(c) the person by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this Regulation shall be done ;

(d) the amount of any charge to be made under this Regulation ;

(e) matters falling under sections 8 and 12.

(iii) The rules made under this section shall be published in the *Official Gazette* and shall thereupon have effect as if enacted in this Regulation.

Statement of Objects and Reasons.

This Bill is intended to make provision for certain matters pertaining to irrigation, such as, the construction of water courses (*hikkals*) ; the regulation of irrigation ; the levy of contribution and water rate in respect of new irrigation works ; the regulation of customary labour ; and the punishment of irrigation offences.

2. Provision is made for giving power to irrigation officers to enter upon any land or building for the purpose of inspection, regulation, and maintenance of irrigation works and their protection, in times of danger, etc. (Chapter II).

3. There is at present considerable complaint as regards the distributary channels leading from the main channel. Provision is made in the Bill for the construction of such channels called water courses or *hikkals* after enquiry and for the recovery of the cost from the persons who derive benefit. The obligation of the raiyats to maintain distributary channels is brought within the purview of the Bill as also the power to get it done at Government cost in case of failure on the part of the person bound to do the maintenance work. (Chapter III).

4. At present, there is no statutory provision for the regulation of irrigation. Matters are at present regulated by *mamool* which is vague. Provision is herein made to systematise the existing practice, and also to enable the Government to regulate the distribution of water in times of deficient supply. (Chapter IV).

5. There is at present no statutory provision as regards the recovery of water-rate and contribution in respect of major irrigation works. Provision is now made for the levy of contribution and water-rate in respect of new works, under certain conditions. (Chapter V).

6. There is at present no provision for impressment of labour and material in cases of emergency when irrigation works are in danger. This has been now provided for. (Chapter VI).

7. The existing provisions as regards maintenance work to tanks are incorporated in the bill; and provision is also made for commuting the liability to contribute customary labour into cash payment on defined principles. (Chapter VII).

8. Irrigation offences are enumerated in detail, and made triable summarily by Magistrates specially empowered for the purpose. (Chapter VIII).

CP 2353/

FROM

Major G. Loch,
SECRETARY TO THE RESIDENT IN MYSORE,

To

The Chief Secretary to the Government of

His Highness the Maharaja of Mysore.

Dated Bangalore, 12th December, 1929;

Subject.

THE MYSORE IRRIGATION BILL.

SIR,

I am directed to acknowledge the receipt of your letter No. Pol.634/P.P., dated the 3rd December, 1929, forwarding copies of the above Bill, and to inform you that the Hon'ble the Resident sees no prima facie objection to its being introduced into the Mysore Legislative Council as proposed.

2. As section 22 of the Bill affects sections 53 and 112 of the Mysore Land Revenue Code, a reference to the Government of India is necessary before it is passed into law. A further communication will, therefore, be awaited from you.

I have the honour to be,
Sir,
Your most obedient servant

Major.
SECRETARY TO THE RESIDENT.

Transferred to - Protection
Branch -

12/12

CP Subd for perusal. No main
has been filed to the Reson.

This means that the Bill cannot be passed
at the second reading & that an additional meeting
will be necessary to pass it, after which the Bill
whether the Bill may be introduced at the
forthcoming session of the L.C. therefore requires
consideration of this communication may be sent to the
Resident for necessary action.
Sd/- J. Loch

PUBLIC OFFICES BUILDINGS.

Dated, Bangalore, 10. 12. 29

FROM

Rajamantrapravina C

C.S. Balasundaram Iyer, B.A.,

Second Member of Council.

TO

Amin-ul-Mulk Miza Muhammad Ismail, B.A., C.I.E., O.B.E.,

Dewan of Mysore.

SIR,

I beg to request your sanction in writing under section

9 (i) of Regulation XIX of 1923 for introducing ~~xxx~~ the

Mysore Irrigation Bill,

at a meeting of the Mysore Legislative Council.

I have the honor to be,

Sir,

Your most obedient servant,

C.S. Balasundaram Iyer

Member.

GOVERNMENT OF HIS HIGHNESS THE
MAHARAJA OF MYSORE

Office of the Dewan of Mysore.

Dated, Bangalore, _____

No. _____

Mr. C.S. Balasundaram Iyer, B.A., Member of

the Mysore Legislative Council, is hereby permitted to in-

troduce ~~xxx~~ the Mysore Irrigation Bill,

at a meeting of the said Council, subject to the rules for the

time being in force under the Mysore Legislative Council

Regulation, 1923.

Mirza N. Iqbal

Dewan of Mysore.

13-12-29

No. 9

2 afb

OFFICE OF THE SECRETARY, LEGISLATIVE COUNCIL.

No. 17408-19

Dated Bangalore.....13.....86.....1930

OFFICIAL MEMORANDUM.

To

(Via Flag 5)

Member, Mysore Legislative Council.

A meeting of the Select Committee to consider the ~~bill~~ Mysore

Irrigation Bill

will be held in the Chambers of the Second Chamber of Council
Public Office, Bangalore
at 1 P.M. on Saturday
the 30th August.....1930

By Order,

Copy to (1) D.A. to the Member

(2) P.A. & d.c. Office

(3) Office Manager

Secretary, Mysore Legislative Council.

for kindly making the necessary WD 2284-200-3-9-24 The Select Committee
Seating & lunch arrangements.

Done
1/8/30 JN

7 Aug 1930

P 820-13-8-30

2 off

13-8-30

01

To.

The gentleman named in H.T.

Sir,

A meeting of the Select Committee ^{appoint} ~~to which~~ ^{consider} the Mysore Irrigation Bill ~~has been~~ referred will be held in the Chambers of the second Member of Council, Public Offices Bangalore, at 1 P.M. on Saturday the 30th August 1930. You are requested to be present at the meeting under Standing Order 52 of the Legislative Council.

H Secretary to ^{the} Committee.

Copy to P.A. to the Member. with *list of guests*

" R.A. & L.C. Office. *- do -*

" Office Branch for kindly making the ~~to~~ necessary seating and lunch arrangements.

TD

Personnel of the Committee to consider the Mysore
Irrigation Bill.

Chairman:- Rajamanthrapravina C.S.Balasundaram Iyer, B.A.,

Members:-

Messrs.

1. [P.G.D'Souza] S.P. Rajagopalachari
2. L.C.Coleman
3. K.R.Seshachar
4. P.Mahadevayya (Designated)
5. [N.Rama Rao] [A. Narayana Swamishetty] M. D. Gov
6. K.R.Srinivasiengar
7. B.K.Garudachar
8. H.C.Dasappa
9. The Chief Engineer P.W.D.
10. H.B.Gundaappa Gowda
11. Belur Srinivasiengar
12. D.H.Chendrasekharaiya.

Invitees from the R.A.

Messrs.

1. Chengalroya Reddy
2. D.S.Mallappa.
3. Nagappa Setty Kadur.
4. J.Mahomed Imam Chitaldrug.
5. Nanjundaraj Urs Mysore.
6. B.Gopalachar Shimoga.

Diary No. of letter replied to.....

General and Revenue Secretariat

()

the

193

Date of issue.....

21/1/20

Signed by.....

M. N. S.

List of enclosures.....

Copied by.....

Examined by.....

Section

File No.

Serial No.

No.

P. 1066

To

B. Gopalachandran Esq.,

Landholder & Chemist

Trichavali

Sir

A meeting of the
S.C. appointed to consider
the Mysore Irrigation
Bill will be held in
the chambers of the
Second Member of Council,
Public Office, Bangalore,
at 1 P.M. on Saturday the
30th Aug. 1920. You are requested
to be present at the meeting
under S.O. 52 of the ^{Upper} Dept. of

OFFICE OF THE PRESIDENT, DISTRICT BOARD,

Kassan, Dated 29th Aug. 1930.

Dear Sir,

Owing to my illness, I regret my inability to attend the Meeting of the Select Committee to consider the Mysore Irrigation Bill fixed for to-morrow. (30th Aug. 30). My absence may kindly be excused.

Yours sincerely,

J. B. Sundappa

The Secretary, to the
Select Committee,
Public Offices,
Bangalore.

SUBJECT

.....

.....

Section.

File No.

Serial No.

No.....

Diary No. of letter replied to.....

NOTIFICATION.

GENERAL AND REVENUE SECRETARIAT,

()

, the.....191

Under Rule $\frac{8}{31}$ of the Rules for the

conduct of business of the Mysore Legislative Council, the accompanying.....

.....Irrigation Bill.....

is published for general information with the statement of objects and reasons.

Date of issue.....

By Order,

Signed by.....

Secretary, Mysore Legislative Council.

(Here print the accompanying Bill with the statement of objects and reasons).

To

The Compiler, Mysore Gazette for publication in Part III of the Gazette in English and Kannada and for sending copies in English and.....copies in Kannada to this office. Proof should be sent to this office for approval before publication.

File
4/4
12/4

Section

File No.

Serial No.

Diary No. of letter replied to.....

No.

2947 (1)

General and Revenue Secretariat

()

the

193

To

S. P. Rajagopalachari
Esq., P. B., P.
Rau Com n...

Date of issue.....

4/2/31

Signed by.....

M-1882

Sir,

I am directed
to forward herewith
for your approval draft
proceedings of the meeting
of the Select Committee
to consider the Report
on the
Barrage Bill and
to request that the
same may kindly be
returned as early as possible
I have etc

List of enclosures.....

Copied by.....

Examined by.....

Yours,

Bm
9/2/3128/9/31 Secy to Govt
Select Committee

0000000000000000

To

S.P. Rajagopalachari, Esq., B.A.B.L.,
Revenue Commissioner in Mysore.

Sir,

I am directed to forward herewith for your approval draft proceedings of the meeting of the Select Committee to consider the Mysore Irrigation Bill and to request that the same may kindly be returned as early as possible.

I have the honour to be,

Sir,

Your most obedient servant,

989

Secretary to the Select Committee.

Amc

Draft proceedings of the meeting of the Select Committee to consider the Mysore Irrigation Bill held at 12 noon on 28th November 1930.

The First Member of Council being indisposed Mr.S.P.Rajagopalachari, Revenue Commissioner presided at the meeting as desired by the Member, having also been elected by the other members of the Committee present.

All the members of the Select Committee excepting Mr.H.B.Gundappa were present at the meeting. Among those invited from the R.A. Messrs.Nagappa Setty and Nanjundaraj Urs., were absent.

The Chairman at the outset referring to the printed copies of the proceedings of the previous meeting, which had been circulated observed that the points reserved for consideration therein may be considered later.

The discussions began with the consideration of Chap. IV (Regulation of Irrigation).

Clause 12 was approved generally subject to three points being considered in relation to that clause ⁶⁴provided for if necessary after a further consideration thereof:-

The points raised were the following:-

- (1) The form of enquiry or consultation to be held before a regulation is ordered under this section.
- (2) Provision ~~should~~ ⁵be made to the effect that ~~the~~ regulation should be without prejudice to vested rights if any.
- (3) The order should not be final and ~~there~~ should be a provision for appeal.

In relation to point No.1,

Messrs.D.S.Mallappa and Belur Srinivasa Iyengar were of opinion that the 'Regulation' should be after consultation with a panchayet.

As regards the 2nd point:-

Mr.K.R.Srinivasa Iyengar suggested the addition of a proviso ^{but that} as follows: ~~provided~~ ^{out-} that such regulation shall be with prejudice to the existing vested rights ^{if any, of parties} which should be protected ~~as regards the extent of irrigation they~~ ^{are entitled to under the survey guarantee} having regard to the nature of such rights and providing safe-guards ^{or otherwise} for enquiry in appeal. This was approved.

The 3rd point was reserved to be considered later in relation to section 40 which, it was suggested, required to be revised.

Clause 13. The clause was approved.

Clause 14. This clause was also approved subject to provision being made for compensation or remission in cases of failure of supply (as in the case of section 31 of Bombay Act.)

the question of providing for compensation was reserved to be examined further.

Clause 15. This clause was discussed at length. ^{suggestions} The provisionally approved were on the following points:-

general clause may be provided to the effect

(1) Government may be empowered to form irrigation Committees to assist the 'Irrigation Officer' in accordance with rules to be framed by Government in that behalf. It was reserved to be considered later whether a that Irrigation Officers should consult a Committee before carrying out the particular powers provided for in the Regulation.

(2) The words "to be supplied with water" should be substituted for "to be cultivated with irrigated crops."

(3) The words 'shall remit' may be substituted for 'may remit'.

(4) The words 'sufficient for wet cultivation may be substituted ^{in place of} for irrigation where it occurs a second ~~time~~

There was a discussion regarding the rate of remission and non official opinion was generally in favour of having the words 'not less than half';

Regarding para 2 of the clause it was agreed that ^{the period} for preferring an appeal should count from the date of the service of the order in the manner prescribed in section 42 and that a further appeal should be allowed as in the case of clause 8 (Vide First days Proceedings).

Clause 16. Sub clause (2) was reserved for consideration later.

Chapter V.

The heading was agreed to be changed into 'of the construction or Improvement of Irrigation works on Special terms?

Clause 17. The applicability of the clause to irrigation works of the type of K.R.S. ^{works} was discussed at length.

The clause was not considered fully. A several members expressed an inconvenience ^{continue} to ~~be~~ the sitting on the next day the meeting was adjourned.

*H. R. Srinivasan
was not in favour
of the wording
suggested.*

REPORT OF THE SELECT COMMITTEE APPOINTED
TO CONSIDER THE MYSORE IRRIGATION BILL.

We, the undersigned members of the Select Committee to which the Irrigation Bill was referred, have considered the Bill and have the honour to submit this our Report ^{to the} with the Bill as amended by us annexed hereto:—

There were six meetings in all continued over days. The first meeting was presided over by Rajamantrapravina C.S. Balasundaram Iyer; the second by Mr. S.P. Rajagopalachari and the subsequent meetings by Rajamantrapravina K. Matthan.

The scheme of the Bill is based on the model of the Bombay Irrigation Act. We find ourselves in agreement with most of the provisions contained in the Bill. The Committee was opposed to the compulsory impressment of materials in cases of emergency and the provisions therefor have been deleted.

It was the general sense of the Committee ^{ee} that a chapter on the award of compensation for damages that may be caused by acts done ~~contained~~ in the exercise of powers under this Regulation and another in regard to the constitution of Irrigation Panchayets and Boards should be provided.

Mr. K. Chengalaroya Reddy, a co-opted

^ in the absence
of B. by

member from the Representative Assembly sent a draft of a chapter on the award of compensations and it has been accepted with some modifications.

Another chapter on Irrigation Panchayats was got drafted and inserted.

^{below}
We deal only with those provisions of the Bill which we consider require amendment. The verbal and other minor amendments ^{are} ~~will be~~ indicated in the ^{body of the} Bill annexed here

CHAPTER I.

Clause 3. In the definition of "Irrigation Work" we have included Talapariges, and added the same ~~thing~~ in sub-clause(2) in the definition of "New Irrigation Work".

We consider that the definition of "New Irrigation Work" would be incomplete without including extensions of irrigation work made after this Regulation comes into force and accordingly this has been inserted.

It was considered unnecessary to define "Labourer" ^{separately} as under Clause (23) the class of persons who can be compelled to ~~work~~ work has been clearly explained.

We consider it necessary to define the word "Occupier" and this has been included.

With regard to the definition ^{of} "Magistrate", we are of opinion that Revenue Officers who are ex-officio Magistrates

should not be empowered to try offences under the Regulation.

CHAPTER II.

Clause (7)

We consider that the procedure regarding notice as laid down in this clause would cause some inconvenience. We have therefore provided that reasonable notice in writing is necessary in all cases except in cases of emergency.

CHAPTER III.

Clause (8)

We are of opinion that the time allowed for appeal should count from the date of the service of the order and that a second appeal to the Revenue Commissioner should be provided.

Clause (10)

We consider it desirable that a new section as in Section 26 of the Bombay Act may, with necessary changes, be introduced for the settlement of disputes of persons interested in water courses, and a suitable sub-clause has accordingly been inserted.

CHAPTER IV.

Clause (12)

We consider that in the matter of regulation of water supply from irrigation works, against the orders passed, appeals should be provided for. This has been secured by the addition of a new sub-clause.

We would recommend to Government that they may be pleased to frame rules in order that the enquiry under this section may be done in consultation with Panchayats or

done in consultation^t with Panchayets or special committees formed for this purpose.

Clause (13)

We consider that the rates leviable for the supply of water from new irrigation works should be in conformity with the present provisions in respect of works constructed at an outlay of less than one lakh of rupees, and have accordingly inserted a proviso to this clause.

Clause (14)

We consider that it would be necessary to stop supply to prevent wastage or misuse of water and we have inserted a suitable sub-clause to secure this object.

Clause (15)

The whole of this clause has been recast and we have drafted a clause substantially similar to Section 15 of the Tank Panchayet Regulation^{as amended by Regulation} III of 1931.

We would recommend to Government to provide rules so that the irrigation officer may exercise the powers under this section in consultation with the Tank Panchayets where such exist or special irrigation committees to be formed for the purpose, and for which a separate chapter has been proposed.

Chapter V

Clause 17)

We consider that the special provisions of this Chapter should apply only to the construction and improvement of irrigation works and not to mere maintenance therefor. We have accordingly substituted the word "improvement" in place of "maintenance". We also consider that "improvement" in

this Chapter should mean only such improvement of irrigation works as will enhance the supply of water available therein for irrigation and we have accordingly defined it.

We consider it necessary that the Government should have the power to exclude smaller irrigation works from the operation of this section and have therefore included a sub-clause therefor.

CHAPTER V.

Clause(21)

We consider that the contribution leviable under this section should not exceed one-third of the difference between the value of the wet and dry lands in the locality which is the present rule. We have suitably amended sub-clause (2).

Sub-clause (3) has been amended with a view to provide for the revisions of water rates after a period of 10 years in the first instance, and thereafter ^{at} ~~after~~ ^{intervals of not less than} ~~as period of~~ 15 years.

In order that the water rate ~~ex~~ at each revision might not be arbitrarily increased, we would recommend to Government that in framing the rules, it should be provided that the rate of increase at each revision should not exceed 25% of what it was.

CHAPTER VI.

Clause 23.

We have decided that even in case of emergencies, it is unnecessary to impress

materials compulsorily. Accordingly, we have deleted from this Chapter -- [Clause²³ sub-clause (2) and Clause 25] -- the provisions relating thereto.

We are of the opinion that only the labour of able-bodied male persons should be impressed and accordingly we have substituted the words 'able-bodied male persons' for 'labourers' in para (iv) of sub-clause (i).

Clause 25.

It was considered necessary that an order made under Section 23 should be immediately reported to the Deputy Commissioner, and we have accordingly inserted it as Clause 25 on the lines of Section 60 of the Bombay Act.

CHAPTER VII.

Clause 27.

We consider that the scope of this chapter should be limited to such irrigation works which have been constructed or brought up to a standard and handed over to the raiyats for up-keep and accordingly we have recast this clause.

Clause 28.

Since the 'drainage works' are included in the definition of X "Irrigation Works" we have omitted all references thereto in this chapter.

Sub-clause (ii) In respect of the commutation of customary labour, we consider that such commutation shall not be made except with the consent of two-thirds of the number of persons bound to perform such labour. We have accordingly inserted a proviso in this clause.

Clause 30.

We consider that Government should be able to confer the power of executing work with hired labour on failure of customary labour on officers other than the patel or the irrigation officer, and we have accordingly amended this Section suitably.

Clause 32.

We are of opinion that the sum levied from the person failing to render customary labour should be the value of such labour and not in excess of it. We have therefore deleted the words "a sum not exceeding twice" in the first para.

The Committee strongly feel that the Government should impress on their officers that tanks should be inspected regularly and that maintenance work should not be allowed to accumulate.

CHAPTER VIII.

Clause 33.

Sub-clause (vii). We consider the ~~clause~~ clause as worded somewhat drastic. A person committing the act should be given an opportunity to desist therefrom. Therefore, we have added the words "after he has been desired to desist therefrom" at the end of the sub-clause.

With regard to punishments, we are of opinion that some of the offences which are of less serious nature such as those mentioned in sub-clauses (vii), (viii), (ix) and (xi) should carry a lighter punishment. We have accordingly provided for such offences a fine which may extend up to Rs. 50.

Clause 34.

We consider the penalty in this clause

as very severe and that imprisonment should not be a part of the punishment. Accordingly, we have provided that the penalty should be merely a fine which may extend up to Rs. 50.

Clause 35.

It was resolved to omit this section since the provisions of the Criminal Procedure Code ~~and~~ which regulate the summary trials according to the nature of the offences and the powers of the trying Magistrate, are adequate.

Clause 36.

We consider that the power of a convicting magistrate ~~should~~ to order the removal of the obstruction or the repair of the damage etc., should be confined only to cases where the conviction is under Section 33 of this Regulation and not where conviction is under the Penal Code. We have, accordingly omitted reference to the offences of mischief under the Penal Code.

Clause 37.

We are of the opinion that this power of recovering the cost of repairs from the persons benefitted by the ~~offences~~ damage when the offender is unascertainable, should be exercised only on the recommendation of Irrigation Panchayets after ~~sub~~ suitable enquiry by them. We have accordingly replaced the existing clause by a new clause.

Clause 39.

As the procedure in this clause invests an inferior official, the patel, with excessive powers and is somewhat complicated it was decided that this clause be deleted

and a section similar to Section 64 of the Bombay Act be adopted.

~~XXXXXXXXXX~~

CHAPTER IX.

Clause 40.

We are of the opinion that ~~where~~ where the order of the Deputy Commissioner is final, the power of revision should vest ^{appellate} only in the highest/authority, viz., Government, as is the practice in other laws.

Clause 42.

Instead of the elaborat^e~~ion~~ of the manner of service of notices made in this clause, we consider that the provisions of the Civil Procedure Code in regard to the service of notices may be made applicable to such processes in this Regulation.

Clause 43.

We consider that the jurisdiction of Civil Courts should be barred in respect of any matter dealt with in the provisions of Chapter V also. We have accordingly inserted it.

We record ^{our}~~the~~ appreciation of the valuable advice tendered in the discussion by the six members co-opted from the Representative Assembly.

NO. 9

OFFICE OF THE SECRETARY, LEGISLATIVE COUNCIL.

Dated Bangalore.....192 ..

No.....

OFFICIAL MEMORANDUM.

To

The Members of the S.C.

Member, Mysore Legislative Council.

The Third

A meeting of the Select Committee to consider the bill

Mysore Irrigation Bill

will be held in the.....*Chambers of the Second Member of*
Council in the Public Office Bangalore

at.....*1 P.M.*.....on.....*Monday 12th*
12th April.....192/and will be continued if necessary
on the succeeding day.

By Order,

A copy of the Proceedings
of the second meeting is enclosed
for information.....*NSI*
Secretary, Mysore Legislative Council.

WD 2284-12/3-200-3-9-24

copy to

- 1 P.A. to the Member*
- 2 Secy & L.C. Office*
- 3 Office Branch for minute making the necessary*

IMMEDIATE.

16th March 1931.

S 786
File
Sign

The Superintendent,
Government Printing, Bangalore.

I am directed to forward herewith Proceedings of the Meeting of the Select Committee to consider the Mysore Irrigation Bill and to request that 50 copies of the same may be caused to be printed in half margin and forward to this office before to-morrow evening.

I have the honor to be,

Sir,

Your most obedient servant,

For Secretary to Government
Law Department.

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat

()

the

193 .

Date of issue.....

Signed by.....

to be kindly returned
with printed copies

List of enclosures.....

Copied by.....

Examined by.....

Amur...

Section

File No.

Serial No.

No.

To

The Superintendent

Govt. Printing

Sir,

*I am directed
to forward herewith
Proceedings of the meeting
of the Select Committee
to consider the Mysore
Emigration Bill and
to request that 50 copies
same may be made
to be printed in the
margin and forwarded
to this Office by you*

[over

84 Wednesday
~~to-morrow~~ evening

I have etc

189 See to Count
16/3 Rd

NOTIFICATION.

No. 2764—L. C., dated 26th November 1929.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Irrigation Bill is published for general information with the statement of objects and reasons.

By Order,
P. MAHADEVAYYA,
Ex-officio Secretary,
Legislative Council.

The Mysore Irrigation Bill.

Whereas it is expedient to make adequate provision Preamble.
for the proper regulation and control of water, for the levy
of contribution, for the regulation of customary labour,
for the punishment of Irrigation Offences and such other
matters pertaining to irrigation as are not adequately pro-
vided for in the existing Regulations and Rules having
the force of law; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called the Mysore Short Title
Irrigation Regulation, 19 .

2. The Government may, by notification in the Extent and
commence-
ment.
Official Gazette, extend this Regulation, or any portion
thereof to any local area or to any class of irrigation
works, and may also by a like notification subsequently
exclude any portion of such local area or any such irriga-
tion work or class of works from the operation of the
Regulation, from such date as may be specified there-
in;

Provided that all existing Regulations, Rules, Orders
or usages having the force of law, in so far as they are
inconsistent with any of the provisions of this Regulation
and the Rules made thereunder, in the areas and with
respect to the classes of irrigation works to which this

Regulation is extended, are repealed to the extent to which they are so inconsistent;

And provided further that nothing herein contained shall be deemed to affect any acts done or liabilities incurred under the said Regulations, Rules, Orders or usages having the force of law.

Definitions.

3. In this Regulation, unless there is anything repugnant in the subject or context :—

'Irrigation work.'

(1) "Irrigation work" includes—

(a) all reservoirs, tanks, canals, channels and pipes constructed, maintained or controlled wholly or mainly by the Government for the supply or storage of water for purposes of irrigation;

(b) all works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, canals, channels or pipes and all roads constructed for the purpose of facilitating the construction or maintenance of such canals, channels, tanks, pipes or reservoirs;

(c) All water courses and drainage works as herein-after defined;

(d) All lands occupied by the Government for the purposes of such canals, channels, tanks, pipes, reservoirs, and all buildings, machinery, fences, gates and other erections, occupied by or belonging to the Government, upon such lands;

'New Irrigation Work.'

(2) "New Irrigation Work" means any work of irrigation as defined in clause (1), constructed or completed after this Regulation comes into force:

'Water Course.'

(3) "Water Course" (*hikkal*) means any channel or pipe which is supplied with water from an irrigation work, but which is not maintained at the cost of the Government, and all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe:

Drainage work.

(4) "Drainage work" (means) channels, either natural or artificial, for the discharge of waste or surplus water, and all works connected with or auxiliary to such channels and escape channels from an irrigation work, dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion formed or maintained by the Government either wholly or in part:

(5) "Deputy Commissioner" includes any officer appointed by the Government to exercise all or any of the powers of a Deputy Commissioner under this Regulation:

'Deputy Commissioner.'

(6) "Irrigation-Officer" means any officer not below the rank of an Assistant Commissioner or an Assistant Engineer appointed by the Government to exercise all or any of the functions of an Irrigation Officer under this Regulation:

'Irrigation Officer.'

(7) "Owner" includes every person having a joint interest in the ownership of the thing specified.

'Owner.'

(8) "Labourer" means any person accustomed to manual labour:

'Labourer.'

(9) "Magistrate" means a Magistrate of the first or second class and includes a Magistrate of the third class when he is specially empowered by the Government to try offences under this Regulation.

'Magistrate.'

4. The Government or, subject to such rules as may be made under this Regulation, any Officer whom the Government empowers in this behalf, may declare by Notification in the *Official Gazette*, the Officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed, shall be exercised or performed.

CHAPTER II.

OF THE CONTROL OF WATER AND OF IRRIGATION WORKS.

5. Any Irrigation Officer appointed in this behalf and any person acting under the general or special orders of such Irrigation Officer may enter upon any land, building or water course, for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby, and of doing anything necessary for the proper regulation, maintenance and management of any irrigation or drainage work.

Power to enter upon land for purposes of inspection, etc.

Sec 69
of Madras

6. On any damage happening or being apprehended to any irrigation or drainage work, or in any other emergency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation or any drainage

Powers for repairing or preventing damage to an irrigation or drainage work.

work, and may repair any existing work, construct any new work, or take and utilise any material, and take any measures or do anything that may in his opinion, be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

Notice of intended entry on private property to be given in certain cases.

7. When an Irrigation Officer, or any person acting under his general or special orders in this behalf, proposes under the provisions of section 5 or section 6 to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden, such reasonable notice as the urgency of the case may allow.

CHAPTER III.

OF WATER COURSES

Construction, extension, improvement or alteration of a water course on the application of person interested.

8. (1) Any person desiring the construction, extension, improvement, or alteration of a water course may apply in writing to the Irrigation Officer appointed in this behalf, and the said officer shall, after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course ~~(or have it constructed, extended, improved or altered, through the Public Works Department on such terms and conditions as regards payment of costs, time and mode of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be decided upon) in each case, or may reject the application. Against the order of the Irrigation Officer in this behalf, an appeal shall lie, within thirty days from the date of the said order, to the Deputy Commissioner whose decision shall be final.~~

(2) If it is necessary to acquire any land for the purposes of sub-section (1) of this section, the Deputy Commissioner of the District may proceed to acquire the same under the provisions of the Land Acquisition Regulation, 1894.

Explanation :—For the purposes of this sub-section, the construction, extension, improvement or alteration of a water course, though executed solely at the expense of a

private person, shall be deemed to be a public purpose under sections 4, 6, 7 and 35 of the Land Acquisition Regulation, 1894. ✓

9. No water course constructed, extended or improved under the provisions of section 8 may be altered without the consent of the Irrigation Officer.

No alteration of water course except with consent of Irrigation Officer. ✓

10. Every owner or occupier of land which receives a supply of water from a water course shall be bound :—

Obligations of owners of land receiving supply from water course.

(a) to maintain such water course in a fit state of repair ; and

(b) to allow the use of it to any person entitled to the same by reason of an order passed under section 8.

11. (1) If any owner or occupier of land which receives a supply of water from a water course, fails to fulfil any obligation imposed on him by section 10, any Irrigation Officer appointed in this behalf may require him by notice to execute the necessary work or repair within such period, not less than five days from the date of service of notice, as may be prescribed therein, and in case of his default, may execute the same on his behalf.

Enforcement of said obligations.

(2) The expenses incurred by the Irrigation Officer on any work or repair under sub-section (1) of this section shall be recoverable from the defaulter as an arrear of land revenue.

CHAPTER IV.

REGULATION OF IRRIGATION

12. The Deputy Commissioner of the District or any other officer specially empowered by the Government in this behalf may regulate in respect of any irrigation work for each year or for a specified term of years at a time, as circumstances may require,

Regu-
of water-
supply from
irrigation
works.

(1) the time for letting out water for irrigation.

(2) the period of the supply, and

(3) the quantity of the supply,

after holding such enquiry as is provided for by rules framed by the Government and such regulation shall be final.

13. Every person desiring the supply of water from a new irrigation work, shall submit a written application to that effect to an Irrigation Officer appointed to receive

Supply of water from a new irrigation work.

such applications, in such form as may be prescribed by the Government.

If the supply of water is desired for irrigation, it may be granted for such period and on such terms as may be prescribed by rules framed by the Government.

If the application is for the supply of water for purposes other than those of irrigation, the Irrigation Officer may, with the sanction of the Government, permit water to be taken for such purposes subject to such special conditions and restrictions as the Government may impose in each case.

Circumstances in which water supply may be stopped.

14. The supply of water to any water course or to any person who is entitled to such supply shall not be stopped except in the circumstances and subject to the limitations specified below, namely,

(a) whenever and so long as it is necessary to stop such supply—

(i) for the purpose of executing any work ordered by competent authority ; or

(ii) in order to supply in rotation, the legitimate demand of other persons entitled to water ;

(b) whenever and so long as any water course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom ; and

(c) within the periods fixed from time to time by an Irrigation Officer acting under section 15. of which reasonable notice shall be given.

Power of Irrigation Officer to determine the irrigable area and grant remission of assessment.

15. An Irrigation Officer may in any year having regard to the quantity of water available in any irrigation work under his control determine the portion out of all or any of the wet lands in the irrigable area of such irrigation work, to be cultivated with irrigated crops and regulate the supply of water accordingly ; and if any land assessed as wet is not supplied with water for irrigation, he may remit such portion, not exceeding one-half of the assessment thereon as he thinks fit, subject to such rules regarding the remission of assessment as may be made by the Government and are for the time being in force.

An appeal shall lie from the order of the Irrigation Officer under this section, within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

16. (1) All rights to the supply of water from an irrigation work, to any land, building or other immovable property shall be presumed to have passed to the transferee with the transfer of such land, building or other immovable property, whenever such a transfer has been effected.

Right to the supply of water passes with the property entitled to the supply.

(2) No person entitled to the use of land appertaining to any irrigation work or to use the water of any irrigation work shall sell or sub-let or otherwise transfer his right to such use without the permission of the Irrigation Officer duly empowered to grant such permission.

CHAPTER V.

OF THE CONSTRUCTION AND MAINTENANCE OF IRRIGATION WORKS ON SPECIAL TERMS.

17. Whenever it appears to the Government that the construction or improvement of an irrigation work in any local area is not likely to be remunerative unless on the lands irrigable by such work, payment of an acreage contribution or water-rate or both, in accordance with such rules as may be framed by the Government is guaranteed, the Government may direct the Deputy Commissioner or any other officer appointed by them in this behalf to hold an enquiry in the manner hereinafter provided.

Preliminary enquiry to be held when the levy of acreage contribution or water-rate or both is necessary for undertaking construction or improvement of an irrigation work.

18. The Deputy Commissioner or other officer appointed to make the enquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than thirty days after the last date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction or improvement, an estimate of the capital and recurring expenditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area) and the rates at which it is proposed to levy contribution or water-rate or both in respect of the lands within the benefited area, and shall invite the holders of such lands to submit any objections or suggestions that they may desire to make on or before the date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the enquiry.

Procedure in holding the enquiry.

Report of the
enquiring
officer.

19. If the Deputy Commissioner or other officer appointed to make the enquiry after considering any objections or suggestions duly submitted and the evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area give their consent in writing to such construction or improvement and to the payment of the proposed contribution or water-rate or both, he shall embody his proceedings in a report, and submit the same to the Government together with a statement of objections and suggestions presented to him and any remarks he may desire to make in respect of them.

Government
may abandon
or proceed
with the
scheme.

20. Upon receipt of the report submitted under section 19, the Government may after such further enquiry, if any, as it may make either abandon the scheme or proceed with the scheme in the original form or with such modifications as it may consider necessary; provided that where the modifications involve a substantial increase in the benefited area or in the acreage contribution or water-rate to be imposed, the provisions of sections 18 and 19 shall apply to the altered scheme.

Publication of
the scheme as
finally ap-
proved by the
Government.

21. (1) The scheme as finally approved by the Government shall be published in the *Official Gazette* and it shall embody the following particulars:—

(a) a specification of the work which it is proposed to construct or improve and an estimate of the capital and recurring expenditure involved thereby;

(b) the estimated time required for the completion of the work;

(c) a description of the benefited area;

(d) the rates at which contribution will be recovered in respect of the lands in the benefited area;

(e) the rates at which water rate will be imposed on the lands in the benefited area; and

(f) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

(2) The contribution referred to in Clause (d) of sub-section (1) shall in no case exceed one-half of the difference between the value of the wet and dry lands in the locality.

(3) The water-rate referred to in clause (e) of sub-section (1) shall be liable to periodical revision at intervals of not less than ten years.

(4) The publication under sub-section (1) of a scheme as approved by the Government shall be conclusive proof that any consent recorded therein has been duly obtained.

22. After the scheme has been carried out, the Deputy Commissioner may, subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land within the benefited area, in addition to the assessment fixed under the provisions of section 112 of the Mysore Land Revenue Code, 1888, contribution or water-rate or both at the rates referred to in section 21.

Levy of contribution and water rate on lands within the benefited area.

Provided that the Deputy Commissioner may exempt from the whole or any part of this liability any land in the benefited area on the ground that the benefit from the irrigation work does not reach such land.

Provided further that when a water-rate is levied from the holder of any land under this section, no such rate shall be leviable in respect of such land under the provisions of section 53 of the Mysore Land Revenue Code, 1888.

CHAPTER VI.

OF OBTAINING LABOUR AND MATERIALS IN EMERGENCIES.

23. (i) Whenever it appears to an Irrigation Officer, or in his absence the Amildar of the Taluk, that unless some work or repair is immediately executed any irrigation or drainage work would sustain such serious damage as to cause sudden and extensive public injury,

Impressment of labour and materials for urgent works of repair, etc.

or, that unless some clearance of an irrigation or drainage work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss would occur,

and that the labourers necessary for the proper execution of such work, repair or clearance cannot be obtained in the ordinary manner in time to prevent such injury or loss,

it shall be lawful for such officer to require the Patel or Patels of the village or villages in the vicinity to call upon all or any of the labourers who reside or hold land in or near the locality where such work, repair or clearance has to be executed to assist in the execution of the same by their labour, as such officer or other person authorised by him in this behalf may direct.

(ii) Such officer or other person authorised by him in this behalf, may also enter upon or into any immovable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees and any timber, bamboos, mats, rope, straw, earth, stones or other materials found in or upon such property, and use the same for the purposes of such work, repair or clearance.

(iii) Every person so authorised shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Payment for
materials
taken.

24. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under section 23 or whose materials may be taken under that section shall, as soon as may be reasonably practicable and in any case within fifteen days from the date of such impressment, be paid by the Irrigation Officer or the Amildar as the case may be, for their labour and detention or for such materials at 25 per cent in excess of the rate for the time being prevailing in the neighbourhood. If the persons are required to work or are detained at night they shall be paid at double such rates.

Compensation
for damage
done in taking
materials.

25. Whenever as a result of the removal, under section 23, of any trees, bamboos, earth, stone or other materials, any damage over and above the price payable for such materials results directly to any person, the Irrigation Officer or the Amildar, as the case may be, shall pay to such person a reasonable amount of compensation for such damage, subject to such rules as may be framed in this behalf by the Government.

Appeals
against orders
under sections
24 and 25.

26. Against an order under section 24 or section 25 an appeal shall lie within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

CHAPTER VII.

OF CUSTOMARY LABOUR.

Works for
which custo-
mary labour
is enforceable

27. The provisions of this chapter shall apply to the following irrigation and drainage works:—

- (a) All river and spring channels;
- (b) All tanks;
- (c) All feeder channels connected with tanks.

28. (i) Every occupier of land, irrigated or drained by any irrigation or drainage work, as well as the inhabitants of the village or villages and all others who derive any benefit, directly or indirectly from the work shall perform, in respect of such work, without payment, the following customary labour:—

Nature of, and persons liable to perform, customary labour, and the levy of cash contribution in lieu of labour.

- (a) Filling up *gullies*, cracks, ruts and holes ;
- (b) Removing any rank growth or pernicious weed;
- (c) Clearing such underwood as may be considered by the Irrigation Officer to be injurious ;
- (d) Clearing sand or silt from sluices and branch channels and repairing the earth work of petty and branch channels and clearing the accumulation in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields ;
- (e) Maintaining the bund to the standard level and with the slopes specified ;
- (f) Keeping in order the feeder channels of tanks ;
- (g) Watching the bunds of all tanks during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluices, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation.—All land forming part of the registered and recognised *atchkat* of an irrigation work shall be deemed to be land irrigated by such work, within the meaning of this section.

(ii) The Government may by an order direct in respect of all or any of the aforesaid works in any locality that the customary labour to be performed under this section need not be performed either wholly or in part, or that in lieu of such labour a contribution in cash at a flat rate per acre of holding be levied on the persons bound to perform the same. Such order may at any time be cancelled or modified by the Government.

29. It shall be the duty of the Patel of every village to see that in respect of any irrigation or drainage work situated in the village or villages in his charge the customary labour specified in section 28 is duly performed and the work maintained in an efficient condition.

Village Patel responsible for due performance of customary labour.

30. If during the execution of any work any person who is bound to contribute labour towards such work, neglects or refuses to do so, the Patel or, upon the report of the Patel the Irrigation Officer, may get the work

Execution of work with hired labour on failure of customary labour.

performed by hired labourers, after giving notice by beat of drum in villages in which the persons bound to do the work ordinarily reside or the land so irrigated or drained is situate, requiring such persons to carry out the work by a specified date and on their failure to comply with the requisition within the appointed time.

Determina-
tion of quan-
tum of labour
to be contri-
buted.

31. The quantum of labour which each person liable under section 28 is bound to contribute, and the proportionate share of labour for each village where an irrigation or drainage work serves more than one village, shall be determined in accordance with rules framed by the Government in this behalf.

Penalty for
failure to per-
form custom-
ary labour.

32. Whenever any person who is bound to contribute labour under section 28 neglects or fails to do so without sufficient and reasonable cause, the Irrigation Officer may levy from such person a sum not exceeding twice the value of the labour which such person is bound to contribute, and such amount shall be recoverable as an arrear of land revenue.

Against the order of the Irrigation Officer, an appeal shall lie, within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

Offences
under the
Regulation.

33. (i) Whoever voluntarily and without proper authority damages, alters, enlarges or obstructs any irrigation or drainage work;

(ii) interferes with, increases, or diminishes the supply of water in, or the flow of water from, through, over or under any irrigation or drainage work or does any act which renders such irrigation or drainage work less useful than is intended for the purpose for which it was constructed;

(iii) opens, shuts or obstructs, or attempts to open shut or obstruct, any sluice in any irrigation work;

(iv) corrupts, or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used;

(v) destroys, defaces or moves any land or level mark or water gauge fixed by the authority of a public servant;

(vi) destroys, tampers with, or removes any apparatus, or part of any apparatus, for contrölling, regulating or measuring the flow of water in any irrigation work;

(vii) causes any animal or vehicle to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under section 43;

(viii) causes or permits any animal to graze or be tethered upon the bank or border of any irrigation or drainage work;

(ix) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation or drainage work;

(x) puts up a dam across or otherwise obstructs the free course of water, the right to which vests in the Government;

(xi) violates any rule made under section 43, the breach whereof is declared to be an offence punishable under this section; and

(xii) whoever, being responsible for the use and maintenance of a water course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner, or prevents or interferes with the lawful use of such water course by any person authorised to use the same, under section 8, shall be deemed to commit an offence under this Regulation and shall, on conviction before a Magistrate be punished for each such offence with fine which may extend to one hundred rupees.

34. Any labourer who, being duly called upon by the Patel of his village to assist by his labour in the execution of any work under section 23 refuses or neglects to comply with such call without lawful excuse, shall on conviction before a Magistrate be punished with fine which may extend to one hundred rupees or with simple imprisonment which may extend to one month or with both. Penalty.

35. All offences under this Regulation are triable summarily in the manner provided in chapter XXII of the Criminal Procedure Code.

Persons convicted under section 38 or of the offence of mischief in relation to an irrigation or drainage work liable to repair the damage, etc.

36. When any person is convicted of an offence under section 33 or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work, the convicting Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any Irrigation Officer may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

Recovery of cost of repairing damage when the offender is unascertainable.

37. When the person causing any damage, alteration, enlargement or obstruction to any irrigation or drainage work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, after giving not less than one month's notice to the occupiers of all lands in his opinion benefited thereby, and after hearing their representations, if any recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration enlargement or obstruction, in such proportion as he thinks fit.

Punishment under other laws not barred.

38. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this Regulation.

Power to remove obstruction or damage to works.

39. Any person in charge of, or employed upon any irrigation work may remove from the lands or buildings belonging thereto any person who within his view:

(i) wilfully damages, obstructs, or fouls any irrigation work, or

(ii) without proper authority interferes with the supply or flow of water in or from an irrigation work so as to endanger, damage, or render less useful any irrigation work;

and may, if the name and address of such person be unknown or if he refuses to give his name or address or gives a name or address which such officer has reason to believe to be false, arrest him without a warrant and take or forward him to the Patel of the village within the limits of which such damage, obstruction or interference has been

Provided that no person shall be punished twice for the same offence.

caused. The Patel shall thereupon hold such enquiry as he may think necessary and if he finds the allegation to be well founded, file a complaint before the Magistrate having jurisdiction to try the case. If such enquiry is not commenced and completed on the day on which such person is arrested the Patel shall admit such person to bail or, if sufficient bail is not tendered, forward him forthwith in custody to the said Magistrate with a report of the circumstances under which such arrest was made.

CHAPTER IX.

MISCELLANEOUS.

40. The Government or the Revenue Commissioner may call for and examine the records of the proceedings under this Regulation of a Deputy Commissioner for the purpose of satisfying itself or himself as to the propriety of any decision or order passed by him and the regularity of his proceedings.

Powers of
Revenue
Commissioner
to review.

If in any case it shall appear that any decision or order or proceedings of a Deputy Commissioner should be modified, annulled or reversed, the Government or the Revenue Commissioner may pass such order thereon as it or he deems fit.

41. Any Officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, and every such enquiry shall be deemed a judicial proceeding.

Power to
summon and
examine
witnesses.

42. Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the Officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person named therein. When such person cannot be found, the service may be made on any adult male member of his family, residing with him, and if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and if such person has no ordinary place of residence within the village, service of any notice may be made by sending a copy of such notice by post in a

Manner of
serving
notices.

registered cover addressed to such person at his usual place of residence, and if the place of residence is not known by affixing it in the *chavadi* of the village to which the action relates.

Jurisdiction
of Civil
Courts barred.

43. No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with under the provisions of Chapter VI or Chapter VII.

Power to
make rules.

44. (i) The Government may, after due publication, make rules not inconsistent with this Regulation to carry out all or any of the provisions of the Regulation.

(ii) Without prejudice to the generality of the foregoing power, such rules may regulate the following matters, namely:—

(a) the proceedings of any officer who under any provision of this Regulation, is required or empowered to take action in any matter ;

(b) the cases in which, the officers to whom and the time and conditions subject to which orders and decisions given under any provision of this Regulation and not expressly provided for as regards appeal, shall be appealable ;

(c) the person by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this Regulation shall be done ;

(d) the amount of any charge to be made under this Regulation ;

(e) matters falling under sections 8 and 12.

(iii) The rules made under this section shall be published in the *Official Gazette* and shall thereupon have effect as if enacted in this Regulation.

Statement of Objects and Reasons.

This Bill is intended to make provision for certain matters pertaining to irrigation, such as, the construction of water courses (*hikkals*) ; the regulation of irrigation ; the levy of contribution and water rate in respect of new irrigation works ; the regulation of customary labour ; and the punishment of irrigation offences.

2. Provision is made for giving power to irrigation officers to enter upon any land or building for the purpose of inspection, regulation, and maintenance of irrigation works and their protection, in times of danger, etc. (Chapter II).

3. There is at present considerable complaint as regards the distributary channels leading from the main channel. Provision is made in the Bill for the construction of such channels called water courses or *hikkals* after enquiry and for the recovery of the cost from the persons who derive benefit. The obligation of the raiyats to maintain distributary channels is brought within the purview of the Bill as also the power to get it done at Government cost in case of failure on the part of the person bound to do the maintenance work. (Chapter III).

4. At present, there is no statutory provision for the regulation of irrigation. Matters are at present regulated by *mamool* which is vague. Provision is herein made to systematise the existing practice, and also to enable the Government to regulate the distribution of water in times of deficient supply. (Chapter IV).

5. There is at present no statutory provision as regards the recovery of water-rate and contribution in respect of major irrigation works. Provision is now made for the levy of contribution and water-rate in respect of new works, under certain conditions. (Chapter V).

6. There is at present no provision for impressment of labour and material in cases of emergency when irrigation works are in danger. This has been now provided for. (Chapter VI).

7. The existing provisions as regards maintenance work to tanks are incorporated in the bill; and provision is also made for commuting the liability to contribute customary labour into cash payment on defined principles. (Chapter VII).

8. Irrigation offences are enumerated in detail, and made triable summarily by Magistrates specially empowered for the purpose. (Chapter VIII).

PROCEEDINGS OF THE FIRST MEETING OF THE SELECT
COMMITTEE OF THE LEGISLATIVE COUNCIL TO
CONSIDER THE MYSORE IRRIGATION BILL HELD ON
30TH AUGUST 1930.

All the members except Mr. H. B. Gundappa and Dr. L. C. Coleman were present.

Mr. B. Narayanaswamiengar, Development Secretary to Government, was also present.

The first three chapters were examined and the following decisions were arrived at:—

CHAPTER I.

With reference to the definition of 'Irrigation work' the question was raised whether Thalaparige (ತಲಪರಿಗೆ) can be said to be included thereunder. It was considered desirable that Thalapariges may expressly be included under the definition.

Re the definition of 'Drainage work' it was suggested that the word 'means' may be replaced by 'includes' as in the Madras Bill.

In the definition of "Owner" it was suggested that the word "Joint" may be omitted.

With reference to the definition of "labourer" it was considered desirable that it may altogether be omitted, and that in place of the words "all or any of the labourers" used in section 23, the expressions as employed in section 58 Bombay Act, "all or any of the able bodied Persons" may be substituted.

It was decided that the word "occupier" may be included in the definitions and it may be defined on the same lines as in the Madras Bill with the addition "and includes a tenant."

Referring to the definition of 'Magistrate' Mr. H. C. Dasappa expressed the opinion that *ex-officio* Magistrates should not ordinarily be empowered under the Regulation to try offences.

CHAPTER II.

With reference to clauses 5 and 6 of the Bill, objection was taken to certain expressions used in the last portion of cl. 6, and, it was therefore considered desirable to substitute the language of cl. 19 of the Madras Bill which is as follows:—

"In case of any actual or apprehended damage to an irrigation or drainage work, or whenever necessary for the regulation, maintenance or management of such work or for the purpose of inspecting or regulating the supply, or in case of urgency when any new work is immediately required to prevent serious detriment to the efficiency of an irrigation or drainage work, any irrigation officer, or any person acting under his general or special orders, may at any time enter upon any lands adjacent to, or in the neighbourhood of, such irrigation or drainage work and may execute all works which may be necessary for the purpose of repairing or preventing such damage or for constructing any new work in case of urgency or for the inspection or regulation of the supply or for the regulation, maintenance or management of the irrigation or drainage work."

With reference to the provisions as regards notice in Section 7 it was suggested that notice should be in writing. The question was reserved to be re-examined later.

CHAPTER III.

With reference to clause 8 the following changes were suggested—

‘May’ to be substituted for the word ‘shall’

Between the words “or” and “have” the words “if the applicant so desires” should be inserted.

A comma to be added at the end of “Public Works Department.”

Instead of the words ‘time and mode of completion’ the words “mode of execution and time of completion” should be substituted.

Instead of the words “as may be decided upon” the words “as may be relevant” should be substituted.

The words “of the District” should be added after “Deputy Commissioner,” and a second appeal should be provided for.

The amended clause will be as follows:—

Any person desiring the construction extension, improvement, or alteration of a water course may apply in writing to the Irrigation Officer appointed in this behalf, and the said officer may after giving such notice and causing such enquiries as may be prescribed by rule framed by the Government for the purpose, either permit the applicant to construct extend, improve or alter the said water course or if the applicant so desires, have it constructed, extended, improved or altered through the Public Works Department, on such terms and conditions as regards payment of costs, mode of execution and time of completion facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be relevant in each case, or may reject the application.

Against the order of the Irrigation Officer in this behalf an appeal shall lie within 30 days from the date of the said order to the Deputy Commissioner of the District and as against his decision a second appeal shall lie within 90 days from the date of this order to the Revenue Commissioner whose decision thereon shall be final.

It was decided that the words ‘or otherwise’ may be added at the end of cl. 10 (b).

It was considered desirable that a new provision as in section 26 of the Bombay Act may, with necessary changes, be introduced for settlement of disputes of persons interested in water courses. This has to be inserted between clauses 10 and 11 being included as a sub-clause of section 10.

It would read as follows:—

“Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, or among joint owners of a water course as to their respective shares of the expense of constructing or maintaining such water-course, or as to the amount severally contributed by them towards such expense, or as to failure on the part of any owner to contribute his share.

any person interested in the matter of such dispute may apply, in writing, to an irrigation officer duly empowered to receive such applications, stating the matter in dispute.

Such officer shall then hold a summary enquiry in the manner prescribed in section 203, Land Revenue Code after giving notice to the persons interested and pass his order thereon

An appeal shall lie as against his order to the Deputy Commissioner of the District whose order thereon shall remain in force until set aside by a decree of a Civil Court”

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5. The Draft Irrigation Bill	11—22

Dated Bangalore, 31st July 1926.

OFFICIAL MEMORANDUM.

In view of the importance of the Tank System of Mysore, and the necessity for ensuring more efficient methods for the restoration of tanks, Government in their Order No. P. W. 3530-36, dated 31st March 1926, directed the formation of a Tank Survey Division for the collection of all necessary data for preparing a suitable programme for the selection of tanks for restoration or improvement in the future.

2. It was represented at the Deputy Commissioners' meetings, held at Mysore, on the 17th and 18th June 1926, that, owing to want of control over the distribution of water, more land than could be cultivated with the available water-supply was sown with wet crops and the raiyats sustained much avoidable loss. It was further stated that there was great wastage in the use of water and that, under a system of better regulation of water-supply, a larger extent of land could be brought under wet cultivation than is done at present. It is also reported that the feeder channels of large tanks are usually in disrepair and that sufficient attention has not been paid to the provision of masonry *madaboys*, etc.

3. The draft Irrigation Bill, which was published in the *Mysore Gazette*, dated the 27th September 1923, contains necessary provisions for regulating supply of water and preventing waste, and has to be taken up for consideration and placed before the Representative Assembly and the Legislative Council at an early date.

4. In the Malnad districts, the grants under the Irrigation Cess Fund have not been utilised in full. There is an order of the Chief Commissioner to the effect that the surplus proceeds of the Irrigation Cess Fund could be utilised for the construction of new roads. It is considered that after the requirements of the tanks in the Malnad are fully met, there may be no objection to utilising the remainder for the repair of old or construction of new roads.

5. These questions require careful consideration by a Committee before further action can be taken thereon. Government are pleased to appoint the following gentlemen as members of the Committee:—

- (1) The Revenue Commissioner (*Chairman*).
- (2) Mr. K. R. Seshachar.
- (3) Mr. A. K. Syed Taj Peeran, Deputy Commissioner, Shimoga District.
- (4) Mr. B. Narasinga Rao, Pleader, Mysore.
- (5) Mr. N. S. Nanjundiah, President, District Board, Hassan.

6. The following points will be considered by the Committee and a report submitted before the end of September next:—

- (1) Regulation of water-supply in tanks and channels to avoid waste, and to ensure its full use for purposes of cultivation.
- (2) The introduction of the Irrigation Bill.
- (3) Examination of the provisions of the Tank Panchayet Regulation, and suggestion of changes necessary.
- (4) The utilisation of the proceeds of the Irrigation Cess in the Malnad for repair and construction of roads.

By order,
C. RANGANATHA RAO SAHIB,
Secretary to Government, Revenue Department.

No. C. 3256—26-27.
A. 2.

OFFICE OF THE REVENUE COMMISSIONER,
IN MYSORE.

Dated Bangalore, 8th—12th April 1927.

FROM

P. G. D'SOUZA, Esq., B.A., B.L.,
Revenue Commissioner in Mysore;

TO

*The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.*

SIR,

With reference to your letter No. R. 6326, dated 6th April 1927, I have the honour to state that the Irrigation Committee constituted by Government in G. O. No. R. 632-6—L. R. 91-26-1, dated 31st July 1926, has met so far three times, *viz.*, on 13th September 1926, 26th October 1926, and 7th April 1927.

2. At the first meeting, they took up for consideration the question of the Revision of the Tank Panchayet Regulation. At the second meeting, the proceedings of the previous meeting were approved and the preliminary material to be collected in connection with the scrutiny of the Irrigation Bill was discussed. The Secretariat files and other available literature were then circulated to the several members, and these were returned to this office only on the 5th instant. The latest meeting of the Committee was held on 7th April 1927; and all the minor points which had been referred to the Committee were discussed. The draft Irrigation Bill also came up for discussion, but no definite conclusions were arrived at in the absence of sufficient material. The Committee felt that as this was a matter of far-reaching importance and raising many difficult problems, it would be undesirable to hurry through the draft bill now before them, as they considered that it would require to be simplified and recast. The Committee expected to be able to submit definite proposals to Government early.

3. The proceedings of the first meeting and the draft proceedings of the third meeting which is under circulation are sent up for the information of Government. Every effort will be made to complete the deliberations of the Committee with all possible speed.

I have the honour to be,

SIR,

Your most obedient servant,

P. G. D'SOUZA,
Revenue Commissioner.

PROCEEDINGS OF THE FIRST MEETING OF THE COMMITTEE APPOINTED IN GOVERNMENT ORDER No. R. 632-6—L. R. 91-26-1, DATED 31ST JULY 1926, TO CONSIDER QUESTIONS CONNECTED WITH TANK IRRIGATION AND OTHER MATTERS, HELD IN THE REVENUE COMMISSIONER'S OFFICE, BANGALORE, ON 13TH SEPTEMBER 1926.

Present.

Mr. C. S. Balasundaram Iyer, Revenue Commissioner (*Chairman*).

„ K. R. Seshachar.

„ A. K. Syed Taj Peeran.

„ B. Narasinga Rao.

A letter from Mr. N. S. Nanjundiah expressing his inability to attend was read and recorded.

Of the 4 points referred to the Committee for consideration, the Tank Panchayet Regulation was taken up first. After discussion, it was resolved that the following changes in the Regulation might be recommended to Government:—

1. *Section 3.*—At the end add the words: “or may empower the Village Panchayet under Section 23 of the Village Panchayet Regulation to exercise all the powers and discharge all the functions of a Tank Panchayet under this Regulation.” Section 23 of the Village Panchayet Regulation may be slightly amended, the reference to Section 3 of Tank Panchayet Regulation therein being changed to “Sections 3 to 9.”
2. *Section 15 (i) Substitute “shall” for “may” and (a) may be worded as follows.*—“Determine the portion of the wet lands in the irrigable area of such tank to be cultivated with wet crops and the rest of the lands in the said irrigable area with irrigated dry or semi-dry crops and regulate the supply of water for irrigation accordingly.”

Section 15 (b).—Add “and may” at the beginning.

Section 15 (2).—This may be deleted.

Section 15 (3).—Omit the words “for irrigation” and substitute “for the irrigation of wet or sugar-cane crops.”

The amended Section will read as follows:—

Section 15 (1).—A Tank Panchayet specially empowered by Government in this behalf, shall in any year, having regard to the quantity of water available in any tank under its control

- (a) determine the portion of the wet lands in the irrigable area of such tank to be cultivated with wet crops and the rest of the lands in the said irrigable area with irrigated dry or semi-dry crops and regulate the supply of water for irrigation accordingly,
- (b) and may select a compact and suitable block as near to the sluice of the tank as possible and parcel it out among the different raiyats who may be desirous of growing sugar-cane on such terms as regards the rent or share of the produce to be paid to the holder or holders of the lands comprised within the block as may appear to it to be reasonable and as may be agreed to by such holder or holders.

Section 15 (2).—If in accordance with the decision of the Panchayet under clause (a) of sub-section 1, any land assessed as wet is not supplied with water for the irrigation of wet or sugar-cane crops, the holder of such land shall be entitled to the remission of half the wet assessment of such land.

The object of this amendment is to discourage the cultivation of paddy over the whole atchkat when water is insufficient and to encourage the cultivation of paying crops such as turmeric, ginger or chilies, etc., or irrigated ragi or jola, which only require an intermittent supply of water. As an additional inducement towards the economical use of water, it was proposed that remission of half wet assessment under the rules should be allowed where such crops are grown.

3. *Section 16 (1).*—Omit the first three lines up to “under the tank” and add “where the restoration of a minor tank has been decided on under Regulation XV of 1923.”

4. *Section 18 (1).*—The following words may be added on :—
“or where the Tank Panchayet has been constituted under Section 23 of the Village Panchayet Regulation, withdraw such powers.”

Section 18 (2).—The following words may be added after “so abolished”—“or has its powers withdrawn.”

Section 18 (3).—After the words “thus abolished” add :—
“or whose powers have been withdrawn.” The object of paras 3 and 4 is to bring the Tank Panchayet Regulation into line with the new Minor Tank Restoration Regulation and the new Village Panchayet Regulation.

5. The fourth point referred to the Committee, *i.e.*, the utilisation of the proceeds of the Irrigation Cess in the Malnad for the repair and construction of roads was next taken up for preliminary discussion.

It was resolved that information *re* the income and expenditure under the Irrigation Cess Fund in the Malnad Taluks, the road mileages and the mileage grants might be obtained, and the subject discussed further at the next meeting.

6. In view of the fact that the detailed consideration of all the points referred to the Committee, especially the Irrigation Bill, would require time, the Committee feared that it would not be possible to submit the final report before the end of September as required by Government.

It was therefore resolved that Government might be requested to extend the time given to the Committee up to the end of December.

7. It was also resolved that the next meeting of the Committee be held at Mysore during the ensuing Dasara Week.

C. S. BALASUNDARAM IYER,
Revenue Commissioner and Chairman.

PROCEEDINGS OF THE THIRD MEETING OF THE IRRIGATION COMMITTEE HELD IN
THE REVENUE COMMISSIONER'S OFFICE, BANGALORE, ON 7TH APRIL 1927.

PRESENT.

1. P. G. D'Souza, Esq., B.A., B.L. (*Chairman*)
2. K. R. Seshachar, Esq., B.A., B.E., C.E.
3. K. V. Anantharaman, Esq., B.A.
4. N. S. Nanjundiah, Esq.

ABSENT.

1. B. Narasinga Rao, Esq.
2. A. K. Syed Taj Peeran, Esq., B.A.

The following subjects were considered by the Committee:—

1. *Rules re demarcation of hikkals.*—Draft rules in this behalf had been sent up to Government who directed that the matter might be considered by this Committee (*vide* letter No. R. 3155—L. R. 299-25-45, dated 29th November 1926, from the Chief Secretary). The Committee were of opinion that the rules as a whole might be approved; and that no specific legislation was necessary; and that the last rule, *viz.*, Rule 5, might be altered as follows:—

“If it should be found necessary to acquire any extent of land for the purpose of providing a *hikkal* as above, the same will be treated as a public purpose within the meaning of the Land Acquisition Regulation. The cost will be met by Government; and, wherever possible, recovered in whole or in part, from all parties benefited.”

There can be no objection to this, as it is one of the obligatory functions of Government to provide facilities for the due cultivation of land.

2. *Acreage cess for maintenance of channels.*—The next question taken up for consideration was that of the levy of acreage cess for the maintenance of irrigation channels. This subject had come up for discussion at the meeting of the Deputy Commissioners and Heads of Departments held in October 1926 and was referred to the Committee for consideration, by Government.

In that meeting, the Deputy Commissioner of Mysore had stated that all raiyats under channels were not attending to their share of maintenance work; and that, while some of them did the work, others escaped. Many were reported to be willing to pay a cess provided it was collected from all and the work was got done by Government. It was represented that this would ensure not only that all paid the cost, but also that the work was done regularly. It was a point for consideration also, as to whether statutory provision for collecting the cess was necessary.

It was understood from the Special Officer, Krishnarajasagara Works, that proposals in this behalf have already been submitted; and that, so far as the conditions in the Mysore District are concerned, it was desirable to levy an acreage cess, owing to the existence of channels; but that this system was not quite suitable in regard to tanks where it would be much more economical to get the work done by the raiyats.

3. *Tenants' responsibility for maintenance of channels.*—The Committee then considered the question of the responsibility of tenants for maintaining channels which had been discussed in the meeting of the Deputy Commissioners in October 1926 and had also been referred to the Committee by Government in their letter No. R. 3443, dated 11th December 1926. As it was understood that it was under consideration to take over the maintenance of these channels to Government, the committee were of opinion that the necessity to enforce tenants' responsibility separately will not arise.

4. *Conservation of water in tanks in view of drought.*—The Committee next took up for consideration the following three subjects, based on the suggestions for conserving water in tanks in areas liable to drought, which had been sent up by the Revenue Commissioner in his report on the distress relief operations in the State for the year 1923-24 and which had been referred to the Committee by Government in letter No. R. 2639—R. M. 30-26-4, dated 9th November 1926.

(1) Empowering Deputy Commissioners to prevent wet cultivation under selected tanks when a water famine is apprehended.

(2) Question of reducing wet and garden areas under tanks in taluks affected by drought.

(3) Reserving the minimum supply of water in tanks.

All these three questions come as special cases relating to the regulation of water-supply in tanks, etc., which is the first point referred to the Committee in the original terms of reference: and strictly speaking comes within the scope of the proposed Irrigation Bill. The Committee were generally of opinion that as it is proposed to provide for the regulation of the supply of water so as to minimise the area under cultivation, it would be unnecessary to empower Deputy Commissioners specifically to prevent wet cultivation. The Committee were in favour of a proper system by which the minimum supply of water in each tank is retained so as to ensure the retention of sufficient drinking water for men and cattle in bad areas.

5. *Utilisation of Irrigation Cess for roads in Malnad.*—The Committee next took up for consideration the question of the utilisation of the proceeds of Irrigation Cess in the Malnad for repair and construction of roads, which is one of the points originally referred to the Committee. This point had also been urged for consideration by the Kadur Deputy Commissioner separately. The Committee were of opinion that, as a general rule, it is not desirable to divert the Irrigation Cess to any other purpose than that of repairs and restoration of tanks. Even in the Malnad, there is a sufficiently large number of tanks on which this cess may be usefully spent; and any grants required for road works should be met from other sources. The tanks are all in a neglected condition and sufficient attention has not been paid to the repairs, etc., and no proper lists have been prepared; and in fact no correct data are available as regards these tanks. The very fact that the accumulated funds are not being spent on irrigation works in the Malnad Districts, indicated that the obligation as regards tanks there has not been fully realised.

6. *Irrigation Bill.*—The Committee were agreed as to the need for the introduction of Irrigation Bill; but were of opinion that it should as far as possible be based on the Bombay Regulation. The Secretariat files and the Proceedings of the Madras Legislative Council in regard to the introduction of the Irrigation Bill there had been obtained and circulated to all the members. But, they were of opinion that the Madras Bill was of a highly controversial nature and included several issues which did not arise in Mysore at all; and that the Gazette copies of the discussions which led to the introduction of the Bill and subsequent amendments in Bombay should be obtained before any useful criticism could be given.

As this was a measure of far-reaching importance and raises problems of great difficulty, the Committee were not in favour of any hurried consideration of the Bill; but they expected to be able to submit specific recommendations to Government and, if possible, to have draft Bill ready, in time for the next Representative Assembly. They consider that the draft Irrigation Bill now under consideration requires to be simplified and wholly recast.

7. *Saguvali kattes.*—The Committee, of their own motion, took up for consideration the question of the construction of saguvali kattes. They were of opinion that an investigation should be made to ascertain what saguvali kattes have been in existence for over five years; and that steps should be taken to regularise unauthorised construction; and also to prevent future construction. They were of opinion that for this purpose, it would be necessary to make such construction a penal offence by Gazette notification.

P. G. D'SOUZA,
Revenue Commissioner.

No. C. 3256—27-8
Encl. (Bill with Encls.)

OFFICE OF THE REVENUE COMMISSIONER
 IN MYSORE.

Dated Bangalore, 18th—23rd February 1928.

FROM

P. G. D'SOUZA, ESQ., B.A., B.L.,
 REVENUE COMMISSIONER IN MYSOR

TO

*The Chief Secretary to the Government
 of His Highness the Maharaja of Mysore,
 Bangalore.*

SIR,

With reference to your letter No. R. 4718, dated 3rd February 1927, and in continuation of my letter No. C. 3256 of 25-26, dated 9th—13th April 1927, I have the honour to state that the Irrigation Committee constituted by Government in G. O. No. 632-6—L. R. 91-26-1, dated 31st July 1926, has met on two more occasions, viz., 17th December 1927 and 22nd January 1928 to discuss the several questions referred to it. At the meeting held on the 17th December 1927, the draft of the Proceedings of the previous meeting was reconsidered and approved with slight alterations. Mr. B. Narasinga Rao who had objected to the proposal of the Committee that acreage cess may be levied for the maintenance of channels, on the ground that the heavy wet assessment and other cesses levied covered all such charges and imposed an obligation on the part of Government to maintain the channels in an efficient condition, withdrew his objection when it was explained to him that this levy was confined to branch channels whose maintenance devolved upon the raiyats and that it was only a commutation by this obligatory duty into money that was intended by the resolution. The Committee then took up the consideration of the draft Irrigation Bill. In its first sitting, the Committee after a preliminary examination of the provisions of the bill, was of opinion that, while the need for the introduction of an Irrigation Bill was appreciated, the Bill placed before it was one of far-reaching importance and required a thorough recasting with a view to remove objectionable features therein. I therefore prepared a fresh draft of the Bill, excluding therefrom all controversial matters which did not require any special provision being made having regard to our local conditions, and incorporating provisions necessary for a proper regulation of the Irrigation System in the State having in view the practice obtaining in the State with regard to irrigation and the necessity for the introduction of a Bill to regulate the irrigation practice under new works of irrigation that have been started in the State, such as the High Level Canal, the Anjanapur Project, the Bhadra Channels, etc. The Committee discussed the provisions of the Bill, section by section, and proposed certain alterations to be incorporated therein. It also wanted a statement of objects and reasons to be prepared on the lines suggested by it and the Bill with the statement of objects and reasons, to be placed before the next meeting for final approval. In the meeting held on 22nd January 1928, the Committee went through the provisions of the Bill and the statement of objects and reasons and passed them finally for being submitted to Government. As regards the question of the regulation of water-supply in tanks and channels to avoid waste and to ensure its full use for purposes of cultivation referred to the Committee in G. O. No. R. 632-6—L. R. 91-26-1, dated 31st July 1926, the Committee was of opinion that the introduction of the Irrigation Bill would solve this question.

2. It will be seen from the Bill now sent up, that it differs in many important respects from the draft originally prepared, and the Committee have aimed at producing a Bill which while giving Government sufficient powers in regard to new works of irrigation, limits interference in regard to existing works only to the extent admissible according to recognised usage. The pitfalls which wrecked the Madras Irrigation Bill have been carefully avoided.

3. The next question considered was one relating to weed clearing work in the main channels of the Krishnarajasagara ordered to be placed before it in Chief Secretary's letter No. R. 10004—L. R. 505-26-80, dated 4th August 1927. It was resolved that as recommended by the Revenue Commissioner to Government unofficially the clearing of weeds in the main channels should be undertaken at Government cost.

4. Copies of the proceedings of the two meetings together with a copy of the Irrigation Bill as approved by the Committee are submitted herewith.

I have the honour to be,

Sir,

Your most obedient servant,

P. G. D'SOUZA,

Revenue Commissioner.

PROCEEDINGS OF THE FOURTH MEETING OF THE COMMITTEE CONSTITUTED IN
GOVERNMENT ORDER No. R. 632-6—L. R. 26-26-1, DATED 31ST JULY 1926,
HELD IN THE REVENUE COMMISSIONER'S OFFICE, BANGALORE, ON 17TH
DECEMBER 1927.

PRESENT.

1. Mr. P. G. D'Souza, B.A., B.L., Revenue Commissioner (*Chairman*).
2. „ K. R. Seshachar, B.A., B.E., C.E., Chief Engineer and Secretary,
Krishnarajasagara Works.
3. „ K. V. Anantaraman, B.A., Deputy Commissioner, Tumkur.
4. „ B. Narasinga Rao, Pleader, Mysore.
5. „ N. S. Nanjundiah, Pleader, Hassan.

ABSENT.

Mr. A. K. Syed Taj Peeran, B.A., Deputy Commissioner, Kolar.

The proceedings of the previous meeting held on the 7th April 1927 were reconsidered as some alterations, etc., had been suggested by some of the members when the draft was sent to them. Mr. B. Narasinga Rao objected to the proposal of the Committee that acreage cess may be levied for the maintenance of channels on the ground that the heavy wet assessment and other cesses levied, covered all such charges and imposed an obligation on the part of Government to maintain the channels in an efficient condition. When it was explained to him that the cess is confined to branch channels and will be in commutation of an existing liability on the part of the holders of land under such channels to maintain them and that the assessment under such channels was fixed at a lower rate, having regard to the water-supply and other causes as compared with main channels, he withdrew his objection, but stated that the amount to be levied should be fixed low. The proceedings, with slight verbal alterations as suggested by Mr. K. R. Seshachar, were approved.

2. The Committee next considered the draft Irrigation Bill and the question of Regulation of water-supply in tanks and channels to avoid waste and to ensure its full use for purposes of cultivation (referred to the Committee for consideration in the Government Order of 31st July 1926). As the latter question was inter-mixed with the former, they were of opinion that no separate resolution was necessary on the point. The draft bill that had been prepared before and referred to the consideration of the Committee by Government had been examined by the Revenue Commissioner and had been recast in the light of previous criticism and experience elsewhere to facilitate the work of the Committee. This bill was carefully examined by the Committee, clause by clause, and certain changes were suggested. It was resolved that a revised draft of the bill incorporating the changes suggested by the Committee together with a fresh statement of objects and reasons may be prepared and placed before the Committee for their final approval.

3. The question of weed clearing work in main channels ordered to be placed before the Committee in Chief Secretary's letter No. R. 1004—L. R. 505-26-80, dated 4th August 1927, was next discussed. Opinion had already been furnished by the Revenue Commissioner to Government unofficially that the clearing of weeds in the main channels should be undertaken by Government at their cost. The Committee were also of the same opinion.

P. G. D'SOUZA,
Revenue Commissioner.

PROCEEDINGS OF THE FIFTH MEETING OF THE IRRIGATION COMMITTEE.
22nd January 1928.

- (1) The Proceedings of the Fourth Meeting were read and approved.
- (2) The final draft of the Irrigation Bill was considered and approved.

P. G. D'SOUZA,
Revenue Commissioner.

OBJECTS AND REASONS.

This regulation is intended to make provision for certain matters pertaining to irrigation, such as the construction of water courses (*hikkals*); the regulation of irrigation; the levy of contribution and water rate in respect of new irrigation works; the regulation of customary labour; and the punishment of irrigation offences.

2. Provision is made for giving power to Irrigation Officers to enter upon any land or building for the purpose of inspection, regulation, and maintenance of irrigation works and their protection, in times of danger, etc. (Chapter II.)

3. There is at present considerable complaint as regards the distributory channels leading from the main channel. Provision is made in the Bill for the construction of such channels called water courses or *hikkals* after enquiry and for the recovery of the cost from the persons who derive benefit. The obligation of the raiyats to maintain distributory channels is brought within the purview of the regulation as also the power to get it done at Government cost in case of failure on the part of the person bound to do the maintenance work. (Chapter III.)

4. At present, there is no statutory provision for the regulation of irrigation. Matters are at present regulated by *mamool* which is vague. Provision is herein made to systematize the existing practice and also to enable the Government to regulate the distribution of water in times of deficient supply. (Chapter IV.)

5. There is at present no statutory provision as regards the recovery of water-rate and contribution in respect of major irrigation works. Provision is now made for the levy of contribution and water-rate in respect of new works, under certain conditions. (Chapter V.)

6. There is at present no provision for impressment of labour and material in cases of emergency when irrigation works are in danger. This has been now provided for. (Chapter VI.)

7. The existing provisions as regards maintenance work to tanks are incorporated in the bill; and provision is also made for commuting the liability to contribute customary labour into cash payment on defined principles. (Chapter VII.)

8. Provision is made for the punishment for the irrigation offences which are enumerated in detail, by a First Class Magistrate after summary enquiry. (Chapter VIII.)

THE MYSORE IRRIGATION BILL.

Whereas it is expedient to make adequate provision for the proper regulation and control of water, for the levy of contribution, for the regulation of customary labour, for the punishment of Irrigation offences and such other matters pertaining to Irrigation as are not adequately

provided for in the existing Regulations and Rules, His Highness the Maharaja is pleased to enact as follows :—

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called the Mysore Irrigation Regulation.

2. The Government may, by notification in the Official Gazette, extend this Regulation or any portion thereof to any local area or to any class of irrigation works, and may also by a notification exclude any such local area or any such class of irrigation works from the operation of the Regulation or of any portion thereof from such date as may be notified therein :

Provided that all existing rules, regulations, orders or usages having the force of law in so far as they are inconsistent with any of the provisions of this regulation and the rules thereunder, in the areas and with respect to the classes of irrigation works to which the Regulation is extended, are repealed to the extent to which they are so inconsistent.

And provided further that nothing herein contained shall be deemed to affect any acts done or liabilities incurred under the said law, rule or order or usage having the force of law.

3. In this Regulation, unless there is anything repugnant in the subject or context,

(1) "Irrigation, work" includes

- (a) all reservoirs, tanks, canals, channels and pipes constructed maintained or controlled wholly or mainly by Government for the supply or storage of water;
- (b) all works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, canals, channels or pipes and all roads constructed for the purpose of facilitating the construction or maintenance of such canals, channels, tanks pipes or reservoirs ;
- (c) all water courses and drainage works as hereinafter defined;
- (d) all lands occupied by the Government for the purposes of such canals, channels, tanks, pipes, reservoirs, and all buildings, machinery, fences, gates and other erection occupied by or belonging to the Government upon such lands.

(2) "New Irrigation work" means any work of irrigation as defined in clause (1), constructed or completed after this regulation comes into force.

(3) "Water Course" (*hikkal*) means any channel or pipe which is supplied with water from an irrigation work, but which is not maintained at the cost of Government, and all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe.

(4) "Drainage work" includes channels either natural or artificial for the discharge of waste or surplus water and all works connected with or auxiliary to such channels and escape channels from an irrigation work, dam, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion

formed or maintained by the Government either wholly or in part, but does not include work for the removal of sewage.

(5) "Deputy Commissioner" includes any officer appointed by Government to exercise all or any of the powers of the Deputy Commissioner under this Regulation.

(6) "Irrigation Officer" shall mean any officer not below the rank of an Assistant Commissioner or an Assistant Engineer appointed by the Government to exercise all or any of the functions of an Irrigation Officer under this Regulation.

(7) "Owner" includes every person having a joint interest in the ownership of the thing specified.

(8) "Labourer" means any person accustomed to manual labour.

4. Government, or subject to such rules as may be made under this Regulation, any Officer whom Government empowers in this behalf, may declare by Notification the Officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

CHAPTER II.

OF THE CONTROL OF WATER AND OF IRRIGATION WORKS.

5. Any Irrigation Officer duly empowered in this behalf and any person acting under general or special orders of such Irrigation officer may enter upon any land, building or water courses for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby and of doing all things necessary for the proper regulation, maintenance and management of any irrigation or drainage work.

6. In case of any accident happening or being apprehended to any irrigation or drainage work, or in case of any urgency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation or any drainage work and may repair any existing work, construct any new work or take and utilise any material and take any measures or do anything that may in his opinion be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

7. When an Irrigation Officer proposes under the provisions of the two last preceding sections to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden such reasonable notice as the urgency of the case may allow.

CHAPTER III.

OF WATER COURSES.

8. (1) Any person desiring the construction, extension, improvement, or alteration of a water course may

apply in writing to the Irrigation Officer or other Officer empowered in this behalf, and the said officer shall, after giving such notice and causing such enquiries as may be prescribed in this behalf by rules to be framed by Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or have it constructed, extended, improved or altered, through the Public Works Department, on such terms and conditions as regards payment of costs, time and mode of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be decided upon in each case or reject the application. Against the order of the Irrigation Officer in this behalf, an appeal shall lie, within 30 days from the date of communication of the said order, to the Deputy Commissioner whose decision shall be final.

(2) If it is necessary to acquire any land for the purpose, the Deputy Commissioner of the District will proceed to acquire the same under the provisions of the Land Acquisition Regulation.

NOTE.—A slight amendment is required in the Land Acquisition Regulation to provide for cases when water courses are provided solely at the expense of private parties without any contribution from public funds.

9. No water courses constructed, extended or improved under the provisions of the above preceding section may be altered without the consent of the Irrigation Officer.

10. Every owner or occupier of land which receives a supply of water from a water course shall be bound:—

- (a) to maintain such water course in a fit state of repair;
- (b) to allow the use of it to any person entitled by reason of an order passed under Section 8.

11. If any owner or occupier of land which receives a supply of water from a water course fails to fulfil any obligation imposed on him by Section 10, any Irrigation Officer duly empowered in this behalf, may require him by notice to execute the necessary work or repair within a period, to be prescribed in such notice, of not less than five days from the date of service of notice and in the case of failure, may execute the same on this behalf, and expenses incurred in the execution of such work or repair shall be recoverable from him as an arrear of land revenue.

CHAPTER IV.

REGULATION OF IRRIGATION.

12. The Deputy Commissioner of a District or other officer specially empowered by Government in this behalf shall have power to regulate in respect of any irrigation work,

- (1) the time for letting out water for irrigation,
- (2) the period during which the supply should be confined, and

(3) the quantity of the supply,
after holding such enquiry as is provided for by rules to be framed in this behalf by Government and such regulation shall be final and shall remain in force for a period of ten years from the date of the order.

13. Every person desiring to have a supply of water from a new irrigation work coming under the operation of this Regulation, shall submit a written application to that effect to an Irrigation Officer duly empowered to receive such applications in such form as shall, from time to time, be prescribed by Government in this behalf. If the application be for the supply of water for irrigation, the supply may be granted for such period and on such terms as may be prescribed by rules to be framed in this behalf by Government.

If the application be for a supply of water to be used for purposes other than those of irrigation, the irrigation officer may, with the sanction of Government, give permission for water to be taken for such purposes under such special conditions and restrictions as to limitation, control and measurement of the supply as he shall be empowered by Government to impose in each case.

14. The supply of water to any water course or to any person who is entitled to such supply shall not be stopped except:—

- (a) Whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority;
- (b) Whenever and so long as any water course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom;
- (c) Whenever and so long as it is necessary to do so in order to supply in rotation the legitimate demand of other persons entitled to water;
- (d) Within periods fixed from time to time by an Irrigation Officer duly empowered in this behalf, of which due notice shall be given and except in the manner provided in the following section.

15. An Irrigation Officer shall in any year having regard to the quantity of water available in any irrigation work under his control determine the portion out of all or any of the wet lands in the irregable area of such irrigation work, to be cultivated with irrigated crops and regulate the supply of water accordingly:

Provided that if any land assessed as wet is not supplied with water for irrigation, the holder of such land shall be entitled to remission of half the assessment on such land.

An appeal shall lie from the order of the Irrigation Officer in this behalf, within 30 days from the date of the order to the Deputy Commissioner, whose decision shall be final.

16. All rights to the supply from an irrigation work, of water to any land, building or other immoveable property shall be transferable therewith, and shall be presumed to have been so transferred whenever a transfer of such land, building or other immoveable property takes place.

No person entitled to the use of any work or land appertaining to any irrigation work or to use the water of any irrigation work shall sell or sublet or otherwise transfer his right to such use without the permission of the Irrigation Officer duly empowered to grant such permission.

CHAPTER V.

OF THE CONSTRUCTION AND MAINTENANCE OF
IRRIGATION WORKS ON SPECIAL TERMS.

17. Whenever it appears to the Government that the construction or improvement of an irrigation work in any local area is not likely to be remunerative unless on the lands irrigable by such work, payment of an acreage contribution or water-rate or both, at certain specified rates to be fixed in accordance with rules to be framed in this behalf is guaranteed, the Government may direct the Deputy Commissioner or other Officer to make an enquiry whether it is desirable to undertake the construction or improvement of the work.

18. The Deputy Commissioner or other Officer appointed to make the enquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than 30 days after the last date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction or improvement, an estimate of the capital or recurring expenditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area) and the rates at which it is proposed to levy contribution and water-rate in respect of the land within the benefited area, and shall invite the holders of such lands to submit any objections or suggestions that they may desire to make on or before a date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the enquiry.

19. If the Deputy Commissioner or other officer appointed to make the enquiry after considering any objections or suggestions duly submitted and evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area give their consent in writing to such construction or improvement and to the payment of the proposed contribution or water-rate or both, he shall embody his proceedings in a report to be submitted to the Government and shall also forward a statement of objections and suggestions presented to him with any remarks that he may desire to make in respect of them.

20. Upon receipt of the report referred to in the previous section, the Government may after such further enquiry, if any, as may appear to them necessary, either abandon the scheme, or proceed with it in its original form or with such modifications as they may consider necessary, provided that where the modifications involve a substantial increase in the benefited area or in acreage contribution or the water-rate to be imposed, the provisions of Sections 18 and 19 shall apply to the altered scheme.

21. (i) The scheme as finally approved by the Government shall be published in the *Mysore Gazette*, and it shall embody the following particulars:—

- (a) a specification of the work which it is proposed to construct or improve and an estimate of the capital or recurring expenditure involved thereby;

- (b) the estimated time required for the completion of the work ;
- (c) a description of the benefited area ;
- (d) the rates at which contribution will be recovered in respect of the lands benefited by the irrigation work ;
 Provided that in no case shall the contribution to be levied exceed half the difference between the value of the wet and dry lands in the locality ;
- (e) the rates at which water rate will be imposed on the lands in the benefited area, such rates being liable to periodical revision at intervals of not less than ten years each : and
- (f) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

(ii) The publication under Sub-section (1) of a Scheme as approved shall be conclusive proof that any consent recorded therein has been duly obtained.

22. After the scheme has been carried out, the Deputy Commissioner may, subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land within the benefited area contribution or water-rate or both at the rates prescribed in Section 21, clauses (d) and (e).

Provided that the Deputy Commissioner may exempt from charge any land in the benefited area on the ground that it is unable to derive any benefit from the irrigation work.

CHAPTER VI.

ON OBTAINING LABOUR AND MATERIALS ON EMERGENCIES.

23. (i) Whenever it appears to an Irrigation Officer or in his absence the Amildar of the Taluk that unless some work or repair is immediately executed such serious damage will happen to any irrigation or drainage work as would cause sudden and extensive public injury,

or that unless some clearance of an irrigation or drainage work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss will occur,

and that the labourers necessary for the proper execution of such repair, clearance of work cannot be obtained in the ordinary manner within the time that can be allowed for the execution of the same so as to prevent such injury or loss,

it shall be lawful for such officer to require the patel or patels of the village or villages in the vicinity to call upon all or any of the labourers who reside or hold land in the vicinity of the locality where such repair, clearance or work has to be executed to assist in the execution of such repair, clearance or work by labouring thereat as such officer or other person authorised by him in this behalf may direct.

(ii) Such officer or any person authorised by him in this behalf may also enter into and upon any immovable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees or bamboos whether standing or not and any timber, mats, ropes, straw, earth, stones, or other materials found in or upon such property and use the same for the purposes of such repair, clearance or work.

(iii) Every person authorised as mentioned in this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(iv) Any labourer being duly called upon by the head of his village to labour as aforesaid who shall refuse or neglect to comply with such call as provided in clause 1, para 4 of this section and proviso thereunder without any lawful excuse shall on conviction before a Magistrate be punished with a fine which may extend to one hundred rupees or with simple imprisonment which may extend to one month or with both.

24. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under Section 23 or whose materials may be taken under that section shall, as soon as may be reasonably practicable and in any case not exceeding a fortnight from the date of such impressment, be paid by the Irrigation Officer, for their labour and detention or for such materials at 25 per cent in excess of the rates for the time being prevailing in the neighbourhood. If the persons are required to work or are detained at night, they shall be paid at double such rates.

25. Whenever as a result of the removal, under Section 23, of any trees, bamboos, earth, stone or other materials, any damage and over above the price payable for such materials results directly to any person, the Irrigation Officer shall pay to such person a reasonable amount of compensation for such damage, as per rules to be framed in this behalf by Government.

26. Against the order of the Irrigation Officer, an appeal shall lie under Sections 24 and 25, within 30 days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

CHAPTER VII.

OF CUSTOMARY LABOUR.

27. (i) The provisions of this Chapter apply to the following irrigation and drainage works:—

- (a) All river and spring channels;
- (b) All tanks;
- (c) All feeder channels connected with tanks;

(ii) It shall be lawful for the Government by an order to declare, in respect of all or any of the aforesaid works in any locality, that the customary labour referred to in Section 28 hereunder need not be performed either wholly or in part or that in lieu of the customary labour a flat rate per acre of holding be levied on the persons bound to perform the labour. Such order may at any time be cancelled or modified by the Government.

28. Every occupier of land, irrigated or drained by any irrigation or drainage work, as well as inhabitants of the village or villages and all others who derive any benefit, directly or indirectly, from the work, shall perform in respect of such work without payment the following customary labour:—

- (a) Filling up gullies, cracks, ruts and holes;
- (b) Removing any rank growth or pernicious weed;
- (c) Clearing away such underwood as may be considered by the Irrigation Officer to be injurious;
- (d) Clearing sand or silt from sluices and branch channels and repairing the earth work of petty and branch channels and clearing away the accumulation in sluices and in all channels

- issuing from tanks, which obstruct the flow of water to the fields ;
- (e) Maintaining the bund to the standard level and with the slopes specified ;
 - (f) Keeping in order the feeder channels of tanks ;
 - (g) Watching the bunds of all tanks during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluice, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation.—All land forming part of, the registered or recognised atchkat of an irrigation work shall be deemed to be land irrigated by such work, within the meaning of this section.

29. It shall be the duty of the patel of every village to see that the customary labour in respect of any irrigation or drainage work situated in the village or villages in his charge is duly performed, and he will be held primarily responsible for keeping the work in an efficient condition.

30. If during the execution of customary labour any person who is bound to contribute labour towards such work neglects or refuses to do so, the patel may employ hired labourers for the performance of the labour which such person is bound to contribute.

31. If such work is neglected, the patel shall report the matter to the Irrigation Officer who shall call upon the patel or patels of the village or villages in which the persons bound to do the work ordinarily reside or the land so irrigated or drained is situate to publish by beat of drum requiring such persons to carry out the work by a certain date ; on their failure to comply with the requisition within the appointed time, the Irrigation Officer may cause the work to be done by hired labour.

32. The quantum of labour which each person liable under Section 28 is bound to contribute towards the performance of customary labour, and the proportionate share of labour for each village where an irrigation or drainage work serves more than one village shall be determined in accordance with rules to be framed by the Government in this behalf.

33. Whenever any person who is bound to contribute labour towards the performance of customary labour neglects or refuses without sufficient and reasonable cause so to contribute, the Irrigation Officer may levy from such person a sum not exceeding twice the value of the labour which such person is bound to contribute and such amount shall be recoverable as an arrear of land revenue.

Against the order of the Irrigation Officer, an appeal shall lie, within 30 days of the date of the order, to the Deputy Commissioner, whose decision shall be final.

34. No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with under the provisions of this chapter.

CHAPTER VIII.

PENALTIES.

35. (i) Whoever voluntarily and without proper authority damages, alters, enlarges or obstructs any irrigation or drainage work ;

(ii) Interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any irrigation or drainage work or does any act which renders such irrigation or drainage work less useful than is intended for the purpose for which it was constructed ;

(iii) opens, shuts or obstructs, or attempts to open shut or obstruct, any sluice in any irrigation work ;

(iv) corrupts, or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used ;

(v) destroys, defaces or moves any land or level mark or water gauge fixed by the authority of a public servant ;

(vi) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work ;

(vii) causes animals or vehicles to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under Section 43 ;

(viii) causes or permits animals to graze or be tethered upon the bank or border of any irrigation or drainage work ;

(ix) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation or drainage work ;

(x) puts up a dam across or otherwise obstructs the free course of water, the right to which vests in Government ;

(xi) violates any rule made under Section 43 for breach whereof the Government in such rules, direct that a penalty may be incurred ; and

(xii) Whoever being responsible for the use and maintenance of a water course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner or prevents or interferes with the lawful use of such water course by any person authorised to use the same under Section 8 ;

shall be deemed to commit an offence under this Regulation and shall, on conviction after a summary trial before a First Class Magistrate specially empowered in this behalf, be punishable for each such offence with fine which may extend to one hundred rupees.

36. When any person is convicted of an offence under Section 35, or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work, the convicting Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed any Irrigation Officer duly empowered in this behalf may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

37. Whenever any Magistrate imposes a fine upon any person for any offence under this Regulation, he may direct that the whole or any part of such fine may be paid

by way of compensation to any person or persons injured by such offences.

38. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this regulation:

Provided that no person shall be punished twice in respect of one and the same act or omission.

39. Any person in charge of or employed upon any irrigation work may remove from the lands or building belonging thereto any person who within his view

- (i) wilfully damages, obstructs, or fouls any irrigation work, or
- (ii) without proper authority interferes with the supply or flow of water in or from any irrigation work in any river or stream so as to endanger, damage, make dangerous or render less useful any irrigation work;

and may, if the name and address of the person be unknown or if he refuses to give his name or address or gives a name or address which such officer has reason to believe to be false, arrest him without a warrant and take him forthwith before a Magistrate or to the nearest Police Station to be dealt with according to law.

CHAPTER IX.

SCELLANEOUS.

40. Every order passed by an Irrigation Officer under Sections 8 and 13 shall be appealable to the Deputy Commissioner:

Provided that the appeal be presented within 30 days from the date on which the order appealed against was communicated to the appellant.

All orders and proceedings of a Deputy Commissioner under this Regulation shall be subject to revision by Revenue Commissioner and Government.

41. Any Officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, and every such enquiry shall be deemed a judicial proceeding.

42. Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the Officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person named therein. When such person cannot be found, the service may be made on any adult male member of his family residing with him, and if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and if such person has no ordinary place of residence within the village service of any notice may be made by sending a copy of such notice by post in a registered cover addressed to such person at his usual place of residence and if the place of residence is not known by affixing it in the chavadi of the village to which the action relates.

43. Government may, from time to time, make rules not inconsistent with this regulation to regulate the following matters:—

- (a) the proceedings of any officer who under any provision of this regulation, is required or empowered to take action in any matter;
- (b) the cases in which the officers to whom and the time and conditions subject to which orders and decisions given under any provision of this regulation and not expressly provided for as regards appeal, shall be appealable;
- (c) the person by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this regulation, shall be done;
- (d) the amount of any charge to be made under this Regulation;
- (e) Matters falling under Sections 8 and 12 and generally to carry out the provisions of this Regulation.

Government may from time to time alter or cancel any rules so made.

Such rules, alterations and cancellations shall not have the force of law until they are published in the official Gazette and objections thereto are duly considered.

P. G. D'SOUZA,
Revenue Commissioner
and Chairman, Irrigation
Bill Committee.

6895-912(11)
No.P.

General and Revenue Secretariat,

Dated, Bangalore the ^{25th April} ~~March~~ 1931. 89

Official Memorandum.

The third meeting of the Select Committee to consider the Mysore Irrigation Bill will be held in the Chambers of the Second Member of Council in the Public Offices, Bangalore, at 1 P.M. on Monday the ^{11th May} ~~13th April~~ 1931 and will be continued if necessary on the succeeding day.

A copy of the Proceedings of the Second meeting is enclosed for information.

By order,

M. Samangan
Secretary to the Committee.

Bsu

**Proceedings of the Meeting of the Select
Committee to consider the Mysore Irriga-
tion Bill held at 12 noon on 28th
November 1930.**

The First Member of Council being indisposed, Mr. S. P. Rajagopalachari, Revenue Commissioner presided at the meeting as desired by the Member, having also been elected by the other members of the Committee present.

All the members of the Select Committee excepting Mr. H. B. Gundappa were present at the meeting. Among those invited from the R. A., Messrs. Nagappa Setty and Nanjundaraj Urs were absent.

The Chairman at the outset referring to the printed copies of the proceedings of the previous meeting which had been circulated, observed that the points reserved for consideration therein may be considered later.

The discussions began with the consideration of Chapter IV (Regulation of Irrigation).

Clause 12 was approved generally subject to three points being considered in relation to that clause to be provided for if necessary after a further consideration thereof :—

The points raised were the following :—

(1) The form of enquiry or consultation to be held before a regulation is ordered under this section.

(2) Provision to be made to the effect that regulation should be without prejudice to vested rights if any.

(3) The order should not be final and these should be a provision for appeal.

In relation to point No. 1,

Messrs. D. S. Mallappa and Belur Srinivasa Iyengar were of opinion that the 'regulation' should be after consultation with a Panchayet.

As regards the 2nd point:—

Mr. K. R. Srinivasa Iyengar suggested the addition of a proviso to the effect that such regulation shall be without prejudice to the existing vested rights, if any, of parties as regards the extent of irrigation they are entitled to under the survey guarantee or otherwise.

The 3rd point was reserved to be considered later in relation to section 40 which, it was suggested, required to be revised.

Clause 13. The Clause was approved.

Clause 14. This clause was also approved subject to provision being made for compensation

or remission in cases of failure of supply etc., (as in the case of section 31 of Bombay Act).

The question of providing for compensation was reserved to be examined further.

Clause 15. This clause was discussed at length. The suggestions provisionally approved were on the following points :—

(1) Government may be empowered to form Irrigation Committees to assist the 'Irrigation Officer' in accordance with rules to be framed by Government in that behalf.

(2) The words "to be supplied with water" should be substituted for "to be cultivated with irrigated crops."

(3) The words 'shall remit' may be substituted for 'may remit.'

(4) The words 'sufficient for wet cultivation' may be substituted in place of 'for irrigation' where it occurs a second time.

There was a discussion regarding the rate of remission and non-official opinion was generally in favour of having the words 'not less than half'; Mr. K. R. Srinivasaiengar was not in favour of the wording suggested.

Regarding para 2 of the clause it was agreed that the period for preferring an appeal should count from the date of the service of the order in the manner prescribed in section 42 and that a further appeal should be allowed as in the case of clause 8 (*vide* First days Proceedings).

Clause 16. Sub-clause (2) was reserved for consideration later.

CHAPTER V.

The heading was agreed to be changed into "of the construction or Improvement of Irrigation works on Special terms."

Clause 17. The applicability of the clause to Irrigation Works of the type of Krishnarajasagara Works was discussed at length.

The clause was not considered fully. As several members expressed an inconvenience to continue the sitting on the next day the meeting was adjourned.

General and Revenue Secretariat,

Dated, Bangalore the ^{25th April} March 1931.

No.P.

Official Memorandum.

The third meeting of the Select Committee to consider the Mysore Irrigation Bill will be held in the Chambers of the Second Member of Council in the Public Offices, Bangalore, at 1 P.M. on Monday the ^{11th May} ~~10th April~~ 1931 and will be continued if necessary on the succeeding day.

A copy of the Proceedings of the Second meeting is enclosed for information.

By order,

G. Samungar
Secretary to the Committee
Br

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Committee to consider the Mysore Irriga-
tion Bill held at 12 noon on 28th
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(3) The order should not be final and there should be a provision for appeal.

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Messrs. D. S. Mallappa and Belur Srinivas Iyengar were of opinion that the 'regulation' should be after consultation with a Panchayet.

As regards the 2nd point:—

Mr. K. R. Srinivasa Iyengar suggested the addition of a proviso to the effect that such regulation shall be without prejudice to the existing vested rights, if any, of parties as regards the extent of irrigation they are entitled to under the survey guarantee or otherwise.

The 3rd point was reserved to be considered later in relation to section 40 which, it was suggested, required to be revised.

Clause 13. The Clause was approved.

Clause 14. This clause was also approved subject to provision being made for compensation

or remission in cases of failure of supply etc., (as in the case of section 31 of Bombay Act).

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(4) The words 'sufficient for wet cultivation' may be substituted in place of 'for irrigation' where it occurs a second time.

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General and Revenue Secretariat,

Dated, Bangalore the

25th April
March 1931.

No.P.

Official Memorandum.

The third meeting of the Select Committee to consider the Mysore Irrigation Bill will be held in the Chambers of the Second Member of Council in the Public Offices, Bangalore, at 1 P.M. on Monday the ~~15th April~~ *11th May* 1931 and will be continued if necessary on the succeeding day.

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By order,

H. Samudra
Secretary to the Committee.

Bru

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The clause was not considered fully. As several members expressed an inconvenience to continue the sitting on the next day the meeting was adjourned.

D. H. CHANDRASEKHARAIYA, B.A., LL.B.,
ADVOCATE AND
MEMBER OF MYSORE LEGISLATIVE COUNCIL,
EDUCATION BOARD AND DISTRICT BOARD.

5130/30
98
DAVANGERE.

Dated 29/6/1931

To, 
The Secretary,
Legislative Council,
Bangalore.

Dear Sir,

VS⁹
30/4
Your Official Memorandum announcing that the
meeting of the Select Committee to consider the Irrigation
Bill is held on Monday the 11th May 1931 is duly received.

As the meeting of the Board of Education of which I and
two others of the Select Committee are members, is already
proposed to be convened on the same date it seems desirable
to change the date and fix the said meeting sometime after
the 18th of May 1931.

Thanking you in anticipation of a kind reply,

Yours Sincerely
D. H. Chandrasekharaia.

57145-99
p

Hassan, 29th April 31.

988

1/5

Dear Sir,

With reference to your official memorandum No.G.
6895-912 (1) dated 27th April 31, I write to state that
I am unable to attend to the meeting of the committee
on 11th May 1931, as I have already fixed up engagement
for that day. Besides I was unable to attend the two
previous meetings on the same ground. Hence I request
you to fixe up the meeting to some date after the 16th
of this month to enable me to attend the same this time.
A reply is awaited.

Yours sincerely,

H. B. Pundarikoti

N. Samiengar, Esq., B.A., B.L.,
Secretary, Mysore Irrigation Bill Committee,
Genl. & Rev. Sectt. Bangalore.

REPLY

OFFICE OF THE SECOND MEMBER
OF COUNCIL.

(To be written on this margin.)

NOTE.

Dated.....1st May.....1931.

The date of the meeting of the Irrigation Bill Select Committee has to be changed from the 11th instant as I find I have another meeting on that date (meeting of the Board of Education). I understand that some members of the Committee have expressed their inability to attend on that day.

Asstt. Secretary,
Protection Branch.

hs

neg 2/s-

*File is submitted today for
orders.*

2nd member)

SUBJECT

20 copies

Section

File No.

Serial No.

Diary No. of letter replied to

No.

To

The members of Select Committee.

General and Revenue Secretariat

the

193

Date of issue

ned by

List of enclosures

Copied by

Examined by

Q. n.

In modification of the office

Q. n. no 6895-9128 27-6-37

the meeting of the Select Committee

to consider the Mysore Irrigation

Bill will be held on Saturday

the 16th instant at 1 P.M. instead ofon Monday the 11th instant. B. O

989. See to the Committee

5/5

Copy to the Branch

5/5

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

Dated Bangalore the 5th May 1931.

No.F. 7897-113

CONFIDENTIAL.

To

In modification of this Office Official Memorandum No. 6895/912 dated 27th April 1931 the meeting of the Select Committee to consider the Mysore Irrigation Bill will be held on Saturday the 16th instant at 1 P.M. instead of on Sunday the 11th instant.

By Order,

H. Samiengar
Secretary to the Committee.

Government of His Highness the Maharaja of Mysore.

2/4/03

General and Revenue Secretariat.

Dated Bangalore the 3th May 1931.

No. 2. 7097-112

OFFICIAL MEMORANDUM.

To

In modification of this Office Official Memorandum No. 6895/912 dated 27th April 1931 the meeting of the Select Committee to consider the Mysore Irrigation Bill will be held on Saturday the 16th instant at 1 P.M. instead of on Monday the 11th instant.

16

By Order,

H. Samier

Secretary to the Committee.

34

Mr. Mallikarjun Rao,
Protection Branch.

Kindly let me know
for 2nd Member's informant
who the Members of the
Irrigation Bill Select
Committee are.

Y. S. G.
Chennai
13/5/31

PROCEEDINGS OF THE FIRST MEETING OF THE SELECT
COMMITTEE OF THE LEGISLATIVE COUNCIL TO
CONSIDER THE MYSORE IRRIGATION BILL HELD ON
7TH AUGUST 1930.

All the members except Mr. H. B. Gundappa and Dr. L. C. Coleman were present.

Mr. B. Narayanaswamiengar, Development Secretary to Government, was also present.

The first three chapters were examined and the following decisions were arrived at :—

CHAPTER I.

With reference to the definition of 'Irrigation work' the question was raised whether Thalaparige (ತಲಪರಿಗೆ) can be said to be included thereunder. It was considered desirable that Thalapariges may expressly be included under the definition.

Re the definition of 'Drainage work' it was suggested that the word 'means' may be replaced by 'includes' as in the Madras Bill.

In the definition of "Owner" it was suggested that the word "Joint" may be omitted.

With reference to the definition of "labourer" it was considered desirable that it may altogether be omitted, and that in place of the words "all or any of the labourers" used in section 23, the expressions as employed in section 58 Bombay Act, "all or any of the able bodied Persons" may be substituted.

It was decided that the word "occupier" may be included in the definitions and it may be defined on the same lines as in the Madras Bill with the addition "and includes a tenant."

Referring to the definition of 'Magistrate' Mr. H. C. Dasappa expressed the opinion that *ex-officio* Magistrates should not ordinarily be empowered under the Regulation to try offences.

CHAPTER II.

With reference to clauses 5 and 6 of the Bill, objection was taken to certain expressions used in the last portion of cl. 6, and, it was therefore considered desirable to substitute the language of cl. 19 of the Madras Bill which is as follows :—

"In case of any actual or apprehended damage to an irrigation or drainage work, or whenever necessary for the regulation, maintenance or management of such work or for the purpose of inspecting or regulating the supply, or in case of urgency when any new work is immediately required to prevent serious detriment to the efficiency of an irrigation or drainage work, any irrigation officer, or any person acting under his general or special orders, may at any time enter upon any lands adjacent to, or in the neighbourhood of, such irrigation or drainage work and may execute all works which may be necessary for the purpose of repairing or preventing such damage or for constructing any new work in case of urgency or for the inspection or regulation of the supply or for the regulation, maintenance or management of the irrigation or drainage work."

With reference to the provisions as regards notice in Section 7 it was suggested that notice should be in writing. The question was reserved to be re-examined later.

CHAPTER III.

With reference to clause 8 the following changes were suggested—

‘ May ’ to be substituted for the word ‘ shall ’

Between the words “ or ” and “ have ” the words “ if the applicant so desires ” should be inserted.

A comma to be added at the end of “ Public Works Department.”

Instead of the words ‘ time and mode of completion ’ the words “ mode of execution and time of completion ” should be substituted.

Instead of the words “ as may be decided upon ” the words “ as may be relevant ” should be substituted.

The words “ of the District ” should be added after “ Deputy Commissioner,” and a second appeal should be provided for.

The amended clause will be as follows :—

Any person desiring the construction extension, improvement, or alteration of a water course may apply in writing to the Irrigation Officer, appointed in this behalf, and the said officer may after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct extend, improve or alter the said water course or if the applicant so desires, have it constructed, extended, improved or altered, through the Public Works Department, on such terms and conditions as regards payment of costs, mode of execution and time of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be relevant in each case, or may reject the application.

Against the order of the Irrigation Officer in this behalf an appeal shall lie within 30 days from the date of the said order to the Deputy Commissioner of the District and as against his decision a second appeal shall lie within 90 days from the date of this order to the Revenue Commissioner whose decision thereon shall be final.

It was decided that the words ‘ or otherwise ’ may be added at the end of cl. 10 (b).

It was considered desirable that a new provision as in section 26 of the Bombay Act may, with necessary changes, be introduced for settlement of disputes of persons interested in water courses. This has to be inserted between clauses 10 and 11 being included as a sub-clause of section 10.

It would read as follows :—

“ Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, or among joint owners of a water course as to their respective shares of the expense of constructing or maintaining such water-course, or as to the amount severally contributed by them towards such expense, or as to failure on the part of any owner to contribute his share.

any person interested in the matter of such dispute may apply, in writing, to an irrigation officer duly empowered to receive such applications, stating the matter in dispute.

Such officer shall then hold a summary enquiry in the manner prescribed in section 203, Land Revenue Code after giving notice to the persons interested and pass his order thereon

An appeal shall lie as against his order to the Deputy Commissioner of the District whose order thereon shall remain in force until set aside by a decree of a Civil Court ”

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Dated Bangalore, 31st July 1926.

OFFICIAL MEMORANDUM.

In view of the importance of the Tank System of Mysore, and the necessity for ensuring more efficient methods for the restoration of tanks, Government in their Order No. P. W. 3530-36, dated 31st March 1926, directed the formation of a Tank Survey Division for the collection of all necessary data for preparing a suitable programme for the selection of tanks for restoration or improvement in the future.

2. It was represented at the Deputy Commissioners' meetings, held at Mysore, on the 17th and 18th June 1926, that, owing to want of control over the distribution of water, more land than could be cultivated with the available water-supply was sown with wet crops and the raiyats sustained much avoidable loss. It was further stated that there was great wastage in the use of water and that, under a system of better regulation of water-supply, a larger extent of land could be brought under wet cultivation than is done at present. It is also reported that the feeder channels of large tanks are usually in disrepair and that sufficient attention has not been paid to the provision of masonry *madaboys*, etc.

3. The draft Irrigation Bill, which was published in the *Mysore Gazette*, dated the 27th September 1923, contains necessary provisions for regulating supply of water and preventing waste, and has to be taken up for consideration and placed before the Representative Assembly and the Legislative Council at an early date.

4. In the Malnad districts, the grants under the Irrigation Cess Fund have not been utilised in full. There is an order of the Chief Commissioner to the effect that the surplus proceeds of the Irrigation Cess Fund could be utilised for the construction of new roads. It is considered that after the requirements of the tanks in the Malnad are fully met, there may be no objection to utilising the remainder for the repair of old or construction of new roads.

5. These questions require careful consideration by a Committee before further action can be taken thereon. Government are pleased to appoint the following gentlemen as members of the Committee:—

- (1) The Revenue Commissioner (*Chairman*).
- (2) Mr. K. R. Seshachar.
- (3) Mr. A. K. Syed Taj Peeran, Deputy Commissioner, Shimoga District.
- (4) Mr. B. Narasinga Rao, Pleader, Mysore.
- (5) Mr. N. S. Nanjundiah, President, District Board, Hassan.

6. The following points will be considered by the Committee and a report submitted before the end of September next:—

- (1) Regulation of water-supply in tanks and channels to avoid waste, and to ensure its full use for purposes of cultivation.
- (2) The introduction of the Irrigation Bill.
- (3) Examination of the provisions of the Tank Panchayet Regulation, and suggestion of changes necessary.
- (4) The utilisation of the proceeds of the Irrigation Cess in the Malnad for repair and construction of roads.

By order,

C. RANGANATHA RAO SAHIB,
Secretary to Government, Revenue Department.

No. C. 3256—26-27.
A. 2.

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

Dated Bangalore, 8th—12th April 1927.

FROM

P. G. D'SOUZA, Esq., B.A., B.L.,
Revenue Commissioner in Mysore;

TO

*The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.*

SIR,

With reference to your letter No. R. 6326, dated 6th April 1927, I have the honour to state that the Irrigation Committee constituted by Government in G. O. No. R. 632-6—L. R. 91-26-1, dated 31st July 1926, has met so far three times, viz., on 13th September 1926, 26th October 1926, and 7th April 1927.

2. At the first meeting, they took up for consideration the question of the Revision of the Tank Panchayet Regulation. At the second meeting, the proceedings of the previous meeting were approved and the preliminary material to be collected in connection with the scrutiny of the Irrigation Bill was discussed. The Secretariat files and other available literature were then circulated to the several members, and these were returned to this office only on the 5th instant. The latest meeting of the Committee was held on 7th April 1927; and all the minor points which had been referred to the Committee were discussed. The draft Irrigation Bill also came up for discussion, but no definite conclusions were arrived at in the absence of sufficient material. The Committee felt that as this was a matter of far-reaching importance and raising many difficult problems, it would be undesirable to hurry through the draft bill now before them, as they considered that it would require to be simplified and recast. The Committee expected to be able to submit definite proposals to Government early.

3. The proceedings of the first meeting and the draft proceedings of the third meeting which is under circulation are sent up for the information of Government. Every effort will be made to complete the deliberations of the Committee with all possible speed.

I have the honour to be,

SIR,

Your most obedient servant,

G. D'SOUZA,
Revenue Commissioner.

PROCEEDINGS OF THE FIRST MEETING OF THE COMMITTEE APPOINTED IN GOVERNMENT ORDER No. R. 632-6—L. R. 91-26-1, DATED 31ST JULY 1926, TO CONSIDER QUESTIONS CONNECTED WITH TANK IRRIGATION AND OTHER MATTERS, HELD IN THE REVENUE COMMISSIONER'S OFFICE, BANGALORE, ON 13TH SEPTEMBER 1926.

— — —
Present.

Mr. C. S. Balasundaram Iyer, Revenue Commissioner (*Chairman*).

„ K. R. Seshachar.

„ A. K. Syed Taj Peeran.

„ B. Narasinga Rao.

A letter from Mr. N. S. Nanjundiah expressing his inability to attend was read and recorded.

Of the 4 points referred to the Committee for consideration, the Tank Panchayet Regulation was taken up first. After discussion, it was resolved that the following changes in the Regulation might be recommended to Government :—

1. *Section 3*.—At the end add the words: “or may empower the Village Panchayet under Section 23 of the Village Panchayet Regulation to exercise all the powers and discharge all the functions of a Tank Panchayet under this Regulation.” Section 23 of the Village Panchayet Regulation may be slightly amended, the reference to Section 3 of Tank Panchayet Regulation therein being changed to “Sections 3 to 9.”
2. *Section 15 (i)* Substitute “shall” for “may” and (a) may be worded as follows.—“Determine the portion of the wet lands in the irrigable area of such tank to be cultivated with wet crops and the rest of the lands in the said irrigable area with irrigated dry or semi-dry crops and regulate the supply of water for irrigation accordingly.”

Section 15 (b).—Add “and may” at the beginning.

Section 15 (2).—This may be deleted.

Section 15 (3).—Omit the words “for irrigation” and substitute “for the irrigation of wet or sugar-cane crops.”

The amended Section will read as follows :—

Section 15 (1).—A Tank Panchayet specially empowered by Government in this behalf, shall in any year, having regard to the quantity of water available in any tank under its control

- (a) determine the portion of the wet lands in the irrigable area of such tank to be cultivated with wet crops and the rest of the lands in the said irrigable area with irrigated dry or semi-dry crops and regulate the supply of water for irrigation accordingly,
- (b) and may select a compact and suitable block as near to the sluice of the tank as possible and parcel it out among the different raiyats who may be desirous of growing sugar-cane on such terms as regards the rent or share of the produce to be paid to the holder or holders of the lands comprised within the block as may appear to it to be reasonable and as may be agreed to by such holder or holders.

Section 15 (2).—If in accordance with the decision of the Panchayet under clause (a) of sub-section 1, any land assessed as wet is not supplied with water for the irrigation of wet or sugar-cane crops, the holder of such land shall be entitled to the remission of half the wet assessment of such land.

The object of this amendment is to discourage the cultivation of paddy over the whole atchkat when water is insufficient and to encourage the cultivation of paying crops such as turmeric, ginger or chilies, etc., or irrigated ragi or jola, which only require an intermittent supply of water. As an additional inducement towards the economical use of water, it was proposed that remission of half wet assessment under the rules should be allowed where such crops are grown.

3. *Section 16 (1).*—Omit the first three lines up to “under the tank” and add “where the restoration of a minor tank has been decided on under Regulation XV of 1923.”

4. *Section 18 (1).*—The following words may be added on :—
“or where the Tank Panchayet has been constituted under Section 23 of the Village Panchayet Regulation, withdraw such powers.”

Section 18 (2).—The following words may be added after “so abolished”—“or has its powers withdrawn.”

Section 18 (3).—After the words “thus abolished” add :—

“or whose powers have been withdrawn.” The object of paras 3 and 4 is to bring the Tank Panchayet Regulation into line with the new Minor Tank Restoration Regulation and the new Village Panchayet Regulation.

5. The fourth point referred to the Committee, *i.e.*, the utilisation of the proceeds of the Irrigation Cess in the Malnad for the repair and construction of roads was next taken up for preliminary discussion.

It was resolved that information *re* the income and expenditure under the Irrigation Cess Fund in the Malnad Taluks, the road mileages and the mileage grants might be obtained, and the subject discussed further at the next meeting.

6. In view of the fact that the detailed consideration of all the points referred to the Committee, especially the Irrigation Bill, would require time, the Committee feared that it would not be possible to submit the final report before the end of September as required by Government.

It was therefore resolved that Government might be requested to extend the time given to the Committee up to the end of December.

7. It was also resolved that the next meeting of the Committee be held at Mysore during the ensuing Dasara Week.

C. S. BALASUNDARAM IYER,

Revenue Commissioner and Chairman.

PROCEEDINGS OF THE THIRD MEETING OF THE IRRIGATION COMMITTEE HELD IN
THE REVENUE COMMISSIONER'S OFFICE, BANGALORE, ON 7TH APRIL 1927.

PRESENT.

1. P. G. D'Souza, Esq., B.A., B.L. (*Chairman*).
2. K. R. Seshachar, Esq., B.A., B.E., C.E.
3. K. V. Anantharaman, Esq., B.A.
4. N. S. Nanjundiah, Esq.

ABSENT.

1. B. Narasinga Rao, Esq.
2. A. K. Syed Taj Peeran, Esq., B.A.

The following subjects were considered by the Committee:—

1. *Rules re demarcation of hikkals*.—Draft rules in this behalf had been sent up to Government who directed that the matter might be considered by this Committee (*vide* letter No. R. 3155—L. R. 299-25-45, dated 29th November 1926, from the Chief Secretary). The Committee were of opinion that the rules as a whole might be approved; and that no specific legislation was necessary; and that the last rule, *viz.*, Rule 5, might be altered as follows:—

“If it should be found necessary to acquire any extent of land for the purpose of providing a *hikkal* as above, the same will be treated as a public purpose within the meaning of the Land Acquisition Regulation. The cost will be met by Government; and, wherever possible, recovered in whole or in part, from all parties benefited.”

There can be no objection to this, as it is one of the obligatory functions of Government to provide facilities for the due cultivation of land.

2. *Acreage cess for maintenance of channels*.—The next question taken up for consideration was that of the levy of acreage cess for the maintenance of irrigation channels. This subject had come up for discussion at the meeting of the Deputy Commissioners and Heads of Departments held in October 1926 and was referred to the Committee for consideration, by Government.

In that meeting, the Deputy Commissioner of Mysore had stated that all raiyats under channels were not attending to their share of maintenance work; and that, while some of them did the work, others escaped. Many were reported to be willing to pay a cess provided it was collected from all and the work was got done by Government. It was represented that this would ensure not only that all paid the cost, but also that the work was done regularly. It was a point for consideration also, as to whether statutory provision for collecting the cess was necessary.

It was understood from the Special Officer, Krishnarajasagara Works, that proposals in this behalf have already been submitted; and that, so far as the conditions in the Mysore District are concerned, it was desirable to levy an acreage cess, owing to the existence of channels; but that this system was not quite suitable in regard to tanks where it would be much more economical to get the work done by the raiyats.

3. *Tenants' responsibility for maintenance of channels*.—The Committee then considered the question of the responsibility of tenants for maintaining channels which had been discussed in the meeting of the Deputy Commissioners in October 1926 and had also been referred to the Committee by Government in their letter No. R. 3443, dated 11th December 1926. As it was understood that it was under consideration to take over the maintenance of these channels to Government, the committee were of opinion that the necessity to enforce tenants' responsibility separately will not arise.

4. *Conservation of water in tanks in view of drought.*—The Committee next took up for consideration the following three subjects, based on the suggestions for conserving water in tanks in areas liable to drought, which had been sent up by the Revenue Commissioner in his report on the distress relief operations in the State for the year 1923-24 and which had been referred to the Committee by Government in letter No. R. 2639—R. M. 30-26-4, dated 9th November 1926.

(1) Empowering Deputy Commissioners to prevent wet cultivation under selected tanks when a water famine is apprehended.

(2) Question of reducing wet and garden areas under tanks in taluks affected by drought.

(3) Reserving the minimum supply of water in tanks.

All these three questions come as special cases relating to the regulation of water-supply in tanks, etc., which is the first point referred to the Committee in the original terms of reference: and strictly speaking comes within the scope of the proposed Irrigation Bill. The Committee were generally of opinion that as it is proposed to provide for the regulation of the supply of water so as to minimise the area under cultivation, it would be unnecessary to empower Deputy Commissioners specifically to prevent wet cultivation. The Committee were in favour of a proper system by which the minimum supply of water in each tank is retained so as to ensure the retention of sufficient drinking water for men and cattle in bad areas.

5. *Utilisation of Irrigation Cess for roads in Malnad.*—The Committee next took up for consideration the question of the utilisation of the proceeds of Irrigation Cess in the Malnad for repair and construction of roads, which is one of the points originally referred to the Committee. This point had also been urged for consideration by the Kadur Deputy Commissioner separately. The Committee were of opinion that, as a general rule, it is not desirable to divert the Irrigation Cess to any other purpose than that of repairs and restoration of tanks. Even in the Malnad, there is a sufficiently large number of tanks on which this cess may be usefully spent; and any grants required for road works should be met from other sources. The tanks are all in a neglected condition and sufficient attention has not been paid to the repairs, etc., and no proper lists have been prepared; and in fact no correct data are available as regards these tanks. The very fact that the accumulated funds are not being spent on irrigation works in the Malnad Districts, indicated that the obligation as regards tanks there has not been fully realised.

6. *Irrigation Bill.*—The Committee were agreed as to the need for the introduction of Irrigation Bill; but were of opinion that it should as far as possible be based on the Bombay Regulation. The Secretariat files and the Proceedings of the Madras Legislative Council in regard to the introduction of the Irrigation Bill there had been obtained and circulated to all the members. But, they were of opinion that the Madras Bill was of a highly controversial nature and included several issues which did not arise in Mysore at all; and that the Gazette copies of the discussions which led to the introduction of the Bill and subsequent amendments in Bombay should be obtained before any useful criticism could be given.

As this was a measure of far-reaching importance and raises problems of great difficulty, the Committee were not in favour of any hurried consideration of the Bill; but they expected to be able to submit specific recommendations to Government and, if possible, to have draft Bill ready, in time for the next Representative Assembly. They consider that the draft Irrigation Bill now under consideration requires to be simplified and wholly recast.

7. *Saguvali kattes.*—The Committee, of their own motion, took up for consideration the question of the construction of saguvali kattes. They were of opinion that an investigation should be made to ascertain what saguvali kattes have been in existence for over five years; and that steps should be taken to regularise unauthorised construction; and also to prevent future construction. They were of opinion that for this purpose, it would be necessary to make such construction a penal offence by Gazette notification.

P. G. D'SOUZA,
Revenue Commissioner.

No. C. 3256—27-8
Encl. (Bill with Encls.)

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

Dated Bangalore. 18th—23rd February 1928.

FROM

P. G. D'SOUZA, Esq., B.A., B.L.,
REVENUE COMMISSIONER IN MYSORE;

TO

*The Civil Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.*

SIR,

With reference to your letter No. R. 4718, dated 3rd February 1927, and in continuation of my letter No. C. 3256 of 25-26, dated 9th—13th April 1927, I have the honour to state that the Irrigation Committee constituted by Government in G. O. No. 632-6—L. R. 91-26-1, dated 31st July 1926, has met on two more occasions, viz., 17th December 1927 and 22nd January 1928 to discuss the several questions referred to it. At the meeting held on the 17th December 1927, the draft of the Proceedings of the previous meeting was reconsidered and approved with slight alterations. Mr. B. Narasinga Rao who had objected to the proposal of the Committee that acreage cess may be levied for the maintenance of channels, on the ground that the heavy wet assessment and other cesses levied covered all such charges and imposed an obligation on the part of Government to maintain the channels in an efficient condition, withdrew his objection when it was explained to him that this levy was confined to branch channels whose maintenance devolved upon the raiyats and that it was only a commutation by this obligatory duty into money that was intended by the resolution. The Committee then took up the consideration of the draft Irrigation Bill. In its first sitting, the Committee after a preliminary examination of the provisions of the bill, was of opinion that, while the need for the introduction of an Irrigation Bill was appreciated, the Bill placed before it was one of far-reaching importance and required a thorough recasting with a view to remove objectionable features therein. I therefore prepared a fresh draft of the Bill, excluding therefrom all controversial matters which did not require any special provision being made having regard to our local conditions, and incorporating provisions necessary for a proper regulation of the Irrigation System in the State having in view the practice obtaining in the State with regard to irrigation and the necessity for the introduction of a Bill to regulate the irrigation practice under new works of irrigation that have been started in the State, such as the High Level Canal, the Anjanapur Project, the Bhadra Channels, etc. The Committee discussed the provisions of the Bill, section by section, and proposed certain alterations to be incorporated therein. It also wanted a statement of objects and reasons to be prepared on the lines suggested by it and the Bill with the statement of objects and reasons, to be placed before the next meeting for final approval. In the meeting held on 22nd January 1928, the Committee went through the provisions of the Bill and the statement of objects and reasons and passed them finally for being submitted to Government. As regards the question of the regulation of water-supply in tanks and channels to avoid waste and to ensure its full use for purposes of cultivation referred to the Committee in G. O. No. R. 632-6—L. R. 91-26-1, dated 31st July 1926, the Committee was of opinion that the introduction of the Irrigation Bill would solve this question.

2. It will be seen from the Bill now sent up, that it differs in many important respects from the draft originally prepared, and the Committee have aimed at producing a Bill which while giving Government sufficient powers in regard to new works of irrigation, limits interference in regard to existing works only to the extent admissible according to recognised usage. The pitfalls which wrecked the Madras Irrigation Bill have been carefully avoided.

3. The next question considered was one relating to weed clearing work in the main channels of the Krishnarajasagara ordered to be placed before it in Chief Secretary's letter No. R. 10004—L. R. 505-26-80, dated 4th August 1927. It was resolved that as recommended by the Revenue Commissioner to Government unofficially the clearing of weeds in the main channels should be undertaken at Government cost.

4. Copies of the proceedings of the two meetings together with a copy of the Irrigation Bill as approved by the Committee are submitted herewith.

I have the honour to be,

Sir,

Your most obedient servant,

P. G. D'SOUZA,

Revenue Commissioner.

PROCEEDINGS OF THE FOURTH MEETING OF THE COMMITTEE CONSTITUTED IN
GOVERNMENT ORDER No. R. 632-6—L. R. 26-26-1, DATED 31ST JULY 1926,
HELD IN THE REVENUE COMMISSIONER'S OFFICE, BANGALORE, ON 17TH
DECEMBER 1927.

PRESENT.

1. Mr. P. G. D'Souza, B.A., B.L., Revenue Commissioner (*Chairman*).
2. „ K. R. Seshachar, B.A., B.E., C.E., Chief Engineer and Secretary,
Krishnarajasagara Works.
3. „ K. V. Anantaraman, B.A., Deputy Commissioner, Tumkur.
4. „ B. Narasinga Rao, Pleader, Mysore.
5. „ N. S. Nanjundiah, Pleader, Hassan.

ABSENT.

Mr. A. K. Syed Taj Peeran, B.A., Deputy Commissioner, Kolar.

The proceedings of the previous meeting held on the 7th April 1927 were reconsidered as some alterations, etc., had been suggested by some of the members when the draft was sent to them. Mr. B. Narasinga Rao objected to the proposal of the Committee that acreage cess may be levied for the maintenance of channels on the ground that the heavy wet assessment and other cesses levied, covered all such charges and imposed an obligation on the part of Government to maintain the channels in an efficient condition. When it was explained to him that the cess is confined to branch channels and will be in commutation of an existing liability on the part of the holders of land under such channels to maintain them and that the assessment under such channels was fixed at a lower rate, having regard to the water-supply and other causes as compared with main channels, he withdrew his objection, but stated that the amount to be levied should be fixed low. The proceedings, with slight verbal alterations as suggested by Mr. K. R. Seshachar, were approved.

2. The Committee next considered the draft Irrigation Bill and the question of Regulation of water-supply in tanks and channels to avoid waste and to ensure its full use for purposes of cultivation (referred to the Committee for consideration in the Government Order of 31st July 1926). As the latter question was inter-mixed with the former, they were of opinion that no separate resolution was necessary on the point. The draft bill that had been prepared before and referred to the consideration of the Committee by Government had been examined by the Revenue Commissioner and had been recast in the light of previous criticism and experience elsewhere to facilitate the work of the Committee. This bill was carefully examined by the Committee, clause by clause, and certain changes were suggested. It was resolved that a revised draft of the bill incorporating the changes suggested by the Committee together with a fresh statement of objects and reasons may be prepared and placed before the Committee for their final approval.

3. The question of weed clearing work in main channels ordered to be placed before the Committee in Chief Secretary's letter No. R. 1004—L. R. 505-26-80, dated 4th August 1927, was next discussed. Opinion had already been furnished by the Revenue Commissioner to Government unofficially that the clearing of weeds in the main channels should be undertaken by Government at their cost. The Committee were also of the same opinion.

P. G. D'SOUZA,
Revenue Commissioner.

PROCEEDINGS OF THE FIFTH MEETING OF THE IRRIGATION COMMITTEE.
22nd January 1928.

- (1) The Proceedings of the Fourth Meeting were read and approved.
- (2) The final draft of the Irrigation Bill was considered and approved.

P. G. D'SOUZA,
Revenue Commissioner.

OBJECTS AND REASONS.

This regulation is intended to make provision for certain matters pertaining to irrigation, such as the construction of water courses (*hikkals*) ; the regulation of irrigation ; the levy of contribution and water rate in respect of new irrigation works ; the regulation of customary labour ; and the punishment of irrigation offences.

2. Provision is made for giving power to Irrigation Officers to enter upon any land or building for the purpose of inspection, regulation, and maintenance of irrigation works and their protection, in times of danger, etc. (Chapter II.)

3. There is at present considerable complaint as regards the distributory channels leading from the main channel. Provision is made in the Bill for the construction of such channels called water courses or *hikkals* after enquiry and for the recovery of the cost from the persons who derive benefit. The obligation of the *raiyats* to maintain distributory channels is brought within the purview of the regulation as also the power to get it done at Government cost in case of failure on the part of the person bound to do the maintenance work. (Chapter III.)

4. At present, there is no statutory provision for the regulation of irrigation. Matters are at present regulated by *mamool* which is vague. Provision is herein made to systematize the existing practice and also to enable the Government to regulate the distribution of water in times of deficient supply. (Chapter IV.)

5. There is at present no statutory provision as regards the recovery of water-rate and contribution in respect of major irrigation works. Provision is now made for the levy of contribution and water-rate in respect of new works, under certain conditions. (Chapter V.)

6. There is at present no provision for impressment of labour and material in cases of emergency when irrigation works are in danger. This has been now provided for. (Chapter VI.)

7. The existing provisions as regards maintenance work to tanks are incorporated in the bill ; and provision is also made for commuting the liability to contribute customary labour into cash payment on defined principles. (Chapter VII.)

8. Provision is made for the punishment for the irrigation offences which are enumerated in detail, by a First Class Magistrate after summary enquiry. (Chapter VIII.)

THE MYSORE IRRIGATION BILL.

Whereas it is expedient to make adequate provision for the proper regulation and control of water, for the levy of contribution, for the regulation of customary labour, for the punishment of Irrigation offences and such other matters pertaining to Irrigation as are not adequately

provided for in the existing Regulations and Rules, His Highness the Maharaja is pleased to enact as follows :—

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called the Mysore Irrigation Regulation.

2. The Government may, by notification in the Official Gazette, extend this Regulation or any portion thereof to any local area or to any class of irrigation works, and may also by a notification exclude any such local area or any such class of irrigation works from the operation of the Regulation or of any portion thereof from such date as may be notified therein :

Provided that all existing rules, regulations, orders or usages having the force of law in so far as they are inconsistent with any of the provisions of this regulation and the rules thereunder, in the areas and with respect to the classes of irrigation works to which the Regulation is extended, are repealed to the extent to which they are so inconsistent.

And provided further that nothing herein contained shall be deemed to affect any acts done or liabilities incurred under the said law, rule or order or usage having the force of law.

3. In this Regulation, unless there is anything repugnant in the subject or context,

(1) "Irrigation, work" includes

- (a) all reservoirs, tanks, canals, channels and pipes constructed maintained or controlled wholly or mainly by Government for the supply or storage of water;
- (b) all works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, canals, channels or pipes and all roads constructed for the purpose of facilitating the construction or maintenance of such canals, channels, tanks pipes or reservoirs ;
- (c) all water courses and drainage works as hereinafter defined;
- (d) all lands occupied by the Government for the purposes of such canals, channels, tanks, pipes, reservoirs, and all buildings, machinery, fences, gates and other erection occupied by or belonging to the Government upon such lands.

(2) "New Irrigation work" means any work of irrigation as defined in clause (1), constructed or completed after this regulation comes into force.

(3) "Water Course" (*hikkal*) means any channel or pipe which is supplied with water from an irrigation work, but which is not maintained at the cost of Government, and all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe.

(4) "Drainage work" includes channels either natural or artificial for the discharge of waste or surplus water and all works connected with or auxiliary to such channels and escape channels from an irrigation work, dam, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion

formed or maintained by the Government either wholly or in part, but does not include work for the removal of sewage.

(5) "Deputy Commissioner" includes any officer appointed by Government to exercise all or any of the powers of the Deputy Commissioner under this Regulation.

(6) "Irrigation Officer" shall mean any officer not below the rank of an Assistant Commissioner or an Assistant Engineer appointed by the Government to exercise all or any of the functions of an Irrigation Officer under this Regulation.

(7) "Owner" includes every person having a joint interest in the ownership of the thing specified.

(8) "Labourer" means any person accustomed to manual labour.

4. Government, or subject to such rules as may be made under this Regulation, any Officer whom Government empowers in this behalf, may declare by Notification the Officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

CHAPTER II.

OF THE CONTROL OF WATER AND OF IRRIGATION WORKS.

5. Any Irrigation Officer duly empowered in this behalf and any person acting under general or special orders of such Irrigation officer may enter upon any land, building or water courses for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby and of doing all things necessary for the proper regulation, maintenance and management of any irrigation or drainage work.

6. In case of any accident happening or being apprehended to any irrigation or drainage work, or in case of any urgency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation or any drainage work and may repair any existing work, construct any new work or take and utilise any material and take any measures or do anything that may in his opinion be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

7. When an Irrigation Officer proposes under the provisions of the two last preceding sections to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden such reasonable notice as the urgency of the case may allow.

CHAPTER III.

OF WATER COURSES.

8. (1) Any person desiring the construction, extension, improvement, or alteration of a water course may

apply in writing to the Irrigation Officer or other Officer empowered in this behalf, and the said officer shall, after giving such notice and causing such enquiries as may be prescribed in this behalf by rules to be framed by Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or have it constructed, extended, improved or altered, through the Public Works Department, on such terms and conditions as regards payment of costs, time and mode of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be decided upon in each case or reject the application. Against the order of the Irrigation Officer in this behalf, an appeal shall lie, within 30 days from the date of communication of the said order, to the Deputy Commissioner whose decision shall be final.

(2) If it is necessary to acquire any land for the purpose, the Deputy Commissioner of the District will proceed to acquire the same under the provisions of the Land Acquisition Regulation.

NOTE.—A slight amendment is required in the Land Acquisition Regulation to provide for cases when water courses are provided solely at the expense of private parties without any contribution from public funds.

9. No water courses constructed, extended or improved under the provisions of the above preceding section may be altered without the consent of the Irrigation Officer.

10. Every owner or occupier of land which receives a supply of water from a water course shall be bound:—

- (a) to maintain such water course in a fit state of repair;
- (b) to allow the use of it to any person entitled by reason of an order passed under Section 8.

11. If any owner or occupier of land which receives a supply of water from a water course fails to fulfil any obligation imposed on him by Section 10, any Irrigation Officer duly empowered in this behalf, may require him by notice to execute the necessary work or repair within a period, to be prescribed in such notice, of not less than five days from the date of service of notice and in the case of failure, may execute the same on this behalf, and expenses incurred in the execution of such work or repair shall be recoverable from him as an arrear of land revenue.

CHAPTER IV.

REGULATION OF IRRIGATION.

12. The Deputy Commissioner of a District or other officer specially empowered by Government in this behalf shall have power to regulate in respect of any irrigation work,

- (1) the time for letting out water for irrigation,
 - (2) the period during which the supply should be confined, and
 - (3) the quantity of the supply,
- after holding such enquiry as is provided for by rules to be framed in this behalf by Government and such regulation shall be final and shall remain in force for a period of ten years from the date of the order.

over the

13. Every person desiring to have a supply of water from a new irrigation work coming under the operation of this Regulation, shall submit a written application to that effect to an Irrigation Officer duly empowered to receive such applications in such form as shall, from time to time, be prescribed by Government in this behalf. If the application be for the supply of water for irrigation, the supply may be granted for such period and on such terms as may be prescribed by rules to be framed in this behalf by Government.

If the application be for a supply of water to be used for purposes other than those of irrigation, the irrigation officer may, with the sanction of Government, give permission for water to be taken for such purposes under such special conditions and restrictions as to limitation, control and measurement of the supply as he shall be empowered by Government to impose in each case.

14. The supply of water to any water course or to any person who is entitled to such supply shall not be stopped except :—

- (a) Whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority;
- (b) Whenever and so long as any water course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom;
- (c) Whenever and so long as it is necessary to do so in order to supply in rotation the legitimate demand of other persons entitled to water;
- (d) Within periods fixed from time to time by an Irrigation Officer duly empowered in this behalf, of which due notice shall be given and except in the manner provided in the following section.

15. An Irrigation Officer shall in any year having regard to the quantity of water available in any irrigation work under his control determine the portion out of all or any of the wet lands in the irregable area of such irrigation work, to be cultivated with irrigated crops and regulate the supply of water accordingly :

Provided that if any land assessed as wet is not supplied with water for irrigation, the holder of such land shall be entitled to remission of half the assessment on such land.

An appeal shall lie from the order of the Irrigation Officer in this behalf, within 30 days from the date of the order to the Deputy Commissioner, whose decision shall be final.

16. All rights to the supply from an irrigation work, of water to any land, building or other immoveable property shall be transferable therewith, and shall be presumed to have been so transferred whenever a transfer of such land, building or other immoveable property takes place.

No person entitled to the use of any work or land appertaining to any irrigation work or to use the water of any irrigation work shall sell or sublet or otherwise transfer his right to such use without the permission of the Irrigation Officer duly empowered to grant such permission.

CHAPTER V.

OF THE CONSTRUCTION AND MAINTENANCE OF
IRRIGATION WORKS ON SPECIAL TERMS.

17. Whenever it appears to the Government that the construction or improvement of an irrigation work in any local area is not likely to be remunerative unless on the lands irrigable by such work, payment of an acreage contribution or water-rate or both, at certain specified rates to be fixed in accordance with rules to be framed in this behalf is guaranteed, the Government may direct the Deputy Commissioner or other Officer to make an enquiry whether it is desirable to undertake the construction or improvement of the work.

18. The Deputy Commissioner or other Officer appointed to make the enquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than 30 days after the last date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction or improvement, an estimate of the capital or recurring expenditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area) and the rates at which it is proposed to levy contribution and water-rate in respect of the land within the benefited area, and shall invite the holders of such lands to submit any objections or suggestions that they may desire to make on or before a date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the enquiry.

19. If the Deputy Commissioner or other officer appointed to make the enquiry after considering any objections or suggestions duly submitted and evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area give their consent in writing to such construction or improvement and to the payment of the proposed contribution or water-rate or both, he shall embody his proceedings in a report to be submitted to the Government and shall also forward a statement of objections and suggestions presented to him with any remarks that he may desire to make in respect of them.

20. Upon receipt of the report referred to in the previous section, the Government may after such further enquiry, if any, as may appear to them necessary, either abandon the scheme, or proceed with it in its original form or with such modifications as they may consider necessary, provided that where the modifications involve a substantial increase in the benefited area or in acreage contribution or the water-rate to be imposed, the provisions of Sections 18 and 19 shall apply to the altered scheme.

21. (i) The scheme as finally approved by the Government shall be published in the *Mysore Gazette*, and it shall embody the following particulars :—

- (a) a specification of the work which it is proposed to construct or improve and an estimate of the capital or recurring expenditure involved thereby ;

- (b) the estimated time required for the completion of the work ;
 - (c) a description of the benefited area ;
 - (d) the rates at which contribution will be recovered in respect of the lands benefited by the irrigation work ;
- Provided that in no case shall the contribution to be levied exceed half the difference between the value of the wet and dry lands in the locality ;
- (e) the rates at which water rate will be imposed on the lands in the benefited area, such rates being liable to periodical revision at intervals of not less than ten years each : and
 - (f) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

(ii) The publication under Sub-section (1) of a Scheme as approved shall be conclusive proof that any consent recorded therein has been duly obtained.

22. After the scheme has been carried out, the Deputy Commissioner may, subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land within the benefited area contribution or water-rate or both at the rates prescribed in Section 21, clauses (d) and (e).

Provided that the Deputy Commissioner may exempt from charge any land in the benefited area on the ground that it is unable to derive any benefit from the irrigation work.

CHAPTER VI.

ON OBTAINING LABOUR AND MATERIALS ON EMERGENCIES.

23. (i) Whenever it appears to an Irrigation Officer or in his absence the Amildar of the Taluk that unless some work or repair is immediately executed such serious damage will happen to any irrigation or drainage work as would cause sudden and extensive public injury,

or that unless some clearance of an irrigation or drainage work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss will occur,

and that the labourers necessary for the proper execution of such repair, clearance of work cannot be obtained in the ordinary manner within the time that can be allowed for the execution of the same so as to prevent such injury or loss,

it shall be lawful for such officer to require the Patel or Patels of the village or villages in the vicinity to call upon all or any of the labourers who reside or hold land in the vicinity of the locality where such repair, clearance or work has to be executed to assist in the execution of such repair, clearance or work by labouring thereat as such officer or other person authorised by him in this behalf may direct.

(ii) Such officer or any person authorised by him in this behalf may also enter into and upon any immovable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees or bamboos whether standing or not and any timber, mats, ropes, straw, earth, stones, or other materials found in or upon such property and use the same for the purposes of such repair, clearance or work.

(iii) Every person authorised as mentioned in this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(iv) Any labourer being duly called upon by the head of his village to labour as aforesaid who shall refuse or neglect to comply with such call as provided in clause 1, para 4 of this section and proviso thereunder without any lawful excuse shall on conviction before a Magistrate be punished with a fine which may extend to one hundred rupees or with simple imprisonment which may extend to one month or with both.

24. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under Section 23 or whose materials may be taken under that section shall, as soon as may be reasonably practicable and in any case not exceeding a fortnight from the date of such impressment, be paid by the Irrigation Officer, for their labour and detention or for such materials at 25 per cent in excess of the rates for the time being prevailing in the neighbourhood. If the persons are required to work or are detained at night, they shall be paid at double such rates.

25. Whenever as a result of the removal, under Section 23, of any trees, bamboos, earth, stone or other materials, any damage and over above the price payable for such materials results directly to any person, the Irrigation Officer shall pay to such person a reasonable amount of compensation for such damage, as per rules to be framed in this behalf by Government.

26. Against the order of the Irrigation Officer, an appeal shall lie under Sections 24 and 25, within 30 days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

CHAPTER VII.

OF CUSTOMARY LABOUR.

27. (i) The provisions of this Chapter apply to the following irrigation and drainage works:—

- (a) All river and spring channels;
- (b) All tanks;
- (c) All feeder channels connected with tanks;

(ii) It shall be lawful for the Government by an order to declare, in respect of all or any of the aforesaid works in any locality, that the customary labour referred to in Section 28 hereunder need not be performed either wholly or in part or that in lieu of the customary labour a flat rate per acre of holding be levied on the persons bound to perform the labour. Such order may at any time be cancelled or modified by the Government.

28. Every occupier of land, irrigated or drained by any irrigation or drainage work, as well as inhabitants of the village or villages and all others who derive any benefit, directly or indirectly, from the work, shall perform in respect of such work without payment the following customary labour:—

- (a) Filling up gullies, cracks, ruts and holes;
- (b) Removing any rank growth or pernicious weed;
- (c) Clearing away such underwood as may be considered by the Irrigation Officer to be injurious;
- (d) Clearing sand or silt from sluices and branch channels and repairing the earth work of petty and branch channels and clearing away the accumulation in sluices and in all channels

- issuing from tanks, which obstruct the flow of water to the fields ;
- (e) Maintaining the bund to the standard level and with the slopes specified ;
 - (f) Keeping in order the feeder channels of tanks ;
 - (g) Watching the bunds of all tanks during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluice, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation.—All land forming part of the registered or recognised atchkat of an irrigation work shall be deemed to be land irrigated by such work, within the meaning of this section.

29. It shall be the duty of the patel of every village to see that the customary labour in respect of any irrigation or drainage work situated in the village or villages in his charge is duly performed, and he will be held primarily responsible for keeping the work in an efficient condition.

30. If during the execution of customary labour any person who is bound to contribute labour towards such work neglects or refuses to do so, the patel may employ hired labourers for the performance of the labour which such person is bound to contribute.

31. If such work is neglected, the patel shall report the matter to the Irrigation Officer who shall call upon the patel or patels of the village or villages in which the persons bound to do the work ordinarily reside or the land so irrigated or drained is situate to publish by beat of drum requiring such persons to carry out the work by a certain date ; on their failure to comply with the requisition within the appointed time, the Irrigation Officer may cause the work to be done by hired labour.

32. The quantum of labour which each person liable under Section 28 is bound to contribute towards the performance of customary labour, and the proportionate share of labour for each village where an irrigation or drainage work serves more than one village shall be determined in accordance with rules to be framed by the Government in this behalf.

33. Whenever any person who is bound to contribute labour towards the performance of customary labour neglects or refuses without sufficient and reasonable cause so to contribute, the Irrigation Officer may levy from such person a sum not exceeding twice the value of the labour which such person is bound to contribute and such amount shall be recoverable as an arrear of land revenue.

Against the order of the Irrigation Officer, an appeal shall lie, within 30 days of the date of the order, to the Deputy Commissioner, whose decision shall be final.

34. No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with under the provisions of this chapter.

CHAPTER VIII.

PENALTIES.

35. (i) Whoever voluntarily and without proper authority damages, alters, enlarges or obstructs any irrigation or drainage work ;

(ii) Interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any irrigation or drainage work or does any act which renders such irrigation or drainage work less useful than is intended for the purpose for which it was constructed;

(iii) opens, shuts or obstructs, or attempts to open shut or obstruct, any sluice in any irrigation work;

(iv) corrupts, or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used;

(v) destroys, defaces or moves any land or level mark or water gauge fixed by the authority of a public servant;

(vi) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work;

(vii) causes animals or vehicles to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under Section 43;

(viii) causes or permits animals to graze or be tethered upon the bank or border of any irrigation or drainage work;

(ix) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation or drainage work;

(x) puts up a dam across or otherwise obstructs the free course of water, the right to which vests in Government;

(xi) violates any rule made under Section 43 for breach whereof the Government in such rules, direct that a penalty may be incurred; and

(xii) Whoever being responsible for the use and maintenance of a water course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner or prevents or interferes with the lawful use of such water course by any person authorised to use the same under Section 8;

shall be deemed to commit an offence under this Regulation and shall, on conviction after a summary trial before a First Class Magistrate specially empowered in this behalf, be punishable for each such offence with fine which may extend to one hundred rupees.

36. When any person is convicted of an offence under Section 35, or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work, the convicting Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed any Irrigation Officer duly empowered in this behalf may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

37. Whenever any Magistrate imposes a fine upon any person for any offence under this Regulation, he may direct that the whole or any part of such fine may be paid

by way of compensation to any person or persons injured by such offences.

38. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this regulation:

Provided that no person shall be punished twice in respect of one and the same act or omission.

39. Any person in charge of or employed upon any irrigation work may remove from the lands or building belonging thereto any person who within his view

- (i) wilfully damages, obstructs, or fouls any irrigation work, or
- (ii) without proper authority interferes with the supply or flow of water in or from any irrigation work in any river or stream so as to endanger, damage, make dangerous or render less useful any irrigation work;

and may, if the name and address of the person be unknown or if he refuses to give his name or address or gives a name or address which such officer has reason to believe to be false, arrest him without a warrant and take him forthwith before a Magistrate or to the nearest Police Station to be dealt with according to law.

CHAPTER IX.

MISCELLANEOUS.

40. Every order passed by an Irrigation Officer under Sections 8 and 13 shall be appealable to the Deputy Commissioner:

Provided that the appeal be presented within 30 days from the date on which the order appealed against was communicated to the appellant.

All orders and proceedings of a Deputy Commissioner under this Regulation shall be subject to revision by Revenue Commissioner and Government.

41. Any Officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, and every such enquiry shall be deemed a judicial proceeding.

42. Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the Officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person named therein. When such person cannot be found, the service may be made on any adult male member of his family residing with him, and if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and if such person has no ordinary place of residence within the village service of any notice may be made by sending a copy of such notice by post in a registered cover addressed to such person at his usual place of residence and if the place of residence is not known by affixing it in the chavadi of the village to which the action relates.

43. Government may, from time to time, make rules not inconsistent with this regulation to regulate the following matters:—

- (a) the proceedings of any officer who under any provision of this regulation, is required or empowered to take action in any matter;
- (b) the cases in which the officers to whom and the time and conditions subject to which orders and decisions given under any provision of this regulation and not expressly provided for as regards appeal, shall be appealable;
- (c) the person by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this regulation, shall be done;
- (d) the amount of any charge to be made under this Regulation;
- (e) Matters falling under Sections 8 and 12 and generally to carry out the provisions of this Regulation.

Government may from time to time alter or cancel any rules so made.

Such rules, alterations and cancellations shall not have the force of law until they are published in the official Gazette and objections thereto are duly considered.

P. G. D'SOUZA,
Revenue Commissioner
and Chairman, Irrigation
Bill Committee.

No.P.

General and Revenue Secretariat,

Dated, Bangalore the ^{25th April} ~~March~~ 1931. 89

Official Memorandum.

The third meeting of the Select Committee to consider the Mysore Irrigation Bill will be held in the Chambers of the Second Member of Council in the Public Offices, Bangalore, at 1 p.m. on Monday the ^{11th May} ~~13th April~~ 1931 and will be continued if necessary on the succeeding day.

A copy of the Proceedings of the Second meeting is enclosed for information.

By order,

N. Saminagar
Secretary to the Committee.

Prm

**Proceedings of the Meeting of the Select
Committee to consider the Mysore Irriga-
tion Bill held at 12 noon on 28th
November 1930.**

THE FIRST member of Council being indisposed, Mr. S. P. Rajagopalachari, Revenue Commissioner presided at the meeting as desired by the Member, having also been elected by the other members of the Committee present.

All the members of the Select Committee excepting Mr. H. B. Gundappa were present at the meeting. Among those invited from the R. A., Messrs. Nagappa Setty and Nanjundaraj Urs were absent.

The Chairman at the outset referring to the printed copies of the proceedings of the previous meeting which had been circulated, observed that the points reserved for consideration therein may be considered later.

The discussions began with the consideration of Chapter IV (Regulation of Irrigation).

Clause 12 was approved generally subject to three points being considered in relation to that clause to be provided for if necessary after a further consideration thereof :—

The points raised were the following :—

(1) The form of enquiry or consultation to be held before a regulation is ordered under this section.

(2) Provision to be made to the effect that regulation should be without prejudice to vested rights if any.

(3) The order should not be final and there should be a provision for appeal.

In relation to point No. 1,

Messrs. D. S. Mallappa and Belur Srinivasa Iyengar were of opinion that the 'regulation' should be after consultation with a Panchayet.

As regards the 2nd point:—

Mr. K. R. Srinivasa Iyengar suggested the addition of a proviso to the effect that such regulation shall be without prejudice to the existing vested rights, if any, of parties as regards the extent of irrigation they are entitled to under the survey guarantee or otherwise.

The 3rd point was reserved to be considered later in relation to section 40 which, it was suggested, required to be revised.

Clause 13. The Clause was approved.

Clause 14. This clause was also approved subject to provision being made for compensation

or remission in cases of failure of supply etc., (as in the case of section 31 of Bombay Act).

The question of providing for compensation was reserved to be examined further.

Clause 15. This clause was discussed at length. The suggestions provisionally approved were on the following points :—

(1) Government may be empowered to form Irrigation Committees to assist the 'Irrigation Officer' in accordance with rules to be framed by Government in that behalf.

(2) The words "to be supplied with water" should be substituted for "to be cultivated with irrigated crops."

(3) The words 'shall remit' may be substituted for 'may remit.'

(4) The words 'sufficient for wet cultivation' may be substituted in place of 'for irrigation' where it occurs a second time.

There was a discussion regarding the rate of remission and non-official opinion was generally in favour of having the words 'not less than half'; Mr. K. R. Srinivasaiengar was not in favour of the wording suggested.

Regarding para 2 of the clause it was agreed that the period for preferring an appeal should count from the date of the service of the order in the manner prescribed in section 42 and that a further appeal should be allowed as in the case of clause 8 (*vide* First days Proceedings).

Clause 16. Sub-clause (2) was reserved for consideration later.

CHAPTER V.

The heading was agreed to be changed into "of the construction or Improvement of Irrigation works on Special terms."

Clause 17. The applicability of the clause to Irrigation Works of the type of Krishnarajasagara Works was discussed at length.

The clause was not considered fully. As several members expressed an inconvenience to continue the sitting on the next day the meeting was adjourned.

General and Revenue Secretariat,

Dated, Bangalore the ^{25th April} March 1931.

No.P.

Official Memorandum.

The third meeting of the Select Committee to consider the Mysore Irrigation Bill will be held in the Chambers of the Second Member of Council in the Public Offices, Bangalore, at 1 P.M. on Monday the ^{11th May} ~~12th April~~ 1931 and will be continued if necessary on the succeeding day.

A copy of the Proceedings of the Second meeting is enclosed for information.

By order.

G. Samingar
Secretary to the Committee.

Bm

**Proceedings of the Meeting of the Select
Committee to consider the Mysore Irriga-
tion Bill held at 12 noon on 28th
November 1930.**

The First Member of Council being indisposed, Mr. S. P. Rajagopalachari, Revenue Commissioner presided at the meeting as desired by the Member, having also been elected by the other members of the Committee present.

All the members of the Select Committee excepting Mr. H. B. Gundappa were present at the meeting. Among those invited from the R. A., Messrs. Nagappa Setty and Nanjundaraj Urs were absent.

The Chairman at the outset referring to the printed copies of the proceedings of the previous meeting which had been circulated, observed that the points reserved for consideration therein may be considered later.

The discussions began with the consideration of Chapter IV (Regulation of Irrigation).

Clause 12 was approved generally subject to three points being considered in relation to that clause to be provided for if necessary after a further consideration thereof :—

The points raised were the following :—

(1) The form of enquiry or consultation to be held before a regulation is ordered under this section.

(2) Provision to be made to the effect that regulation should be without prejudice to vested rights if any.

(3) The order should not be final and these should be a provision for appeal.

In relation to point No. 1,

Messrs. D. S. Mallappa and Belur Srinivasa Iyengar were of opinion that the 'regulation' should be after consultation with a Panchayet.

As regards the 2nd point:—

Mr. K. R. Srinivasa Iyengar suggested the addition of a proviso to the effect that such regulation shall be without prejudice to the existing vested rights, if any, of parties as regards the extent of irrigation they are entitled to under the survey guarantee or otherwise.

The 3rd point was reserved to be considered later in relation to section 40 which, it was suggested, required to be revised.

Clause 13. The Clause was approved.

Clause 14. This clause was also approved subject to provision being made for compensation

or remission in cases of failure of supply etc., (as in the case of section 31 of Bombay Act).

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(2) The words "to be supplied with water" should be substituted for "to be cultivated with irrigated crops."

(3) The words 'shall remit' may be substituted for 'may remit.'

(4) The words 'sufficient for wet cultivation' may be substituted in place of 'for irrigation' where it occurs a second time.

There was a discussion regarding the rate of remission and non-official opinion was generally in favour of having the words 'not less than half'; Mr. K. R. Srinivasaiengar was not in favour of the wording suggested.

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The clause was not considered fully. As several members expressed an inconvenience to continue the sitting on the next day the meeting was adjourned.

General and Revenue Secretariat,

Dated, Bangalore the

25th April
March 1931.

No.P.

Official Memorandum.

The third meeting of the Select Committee to consider the Mysore Irrigation Bill will be held in the Chambers of the Second Member of Council in the Public Offices, Bangalore, at 1 P.M. on Monday the ~~15th April~~ *11th May* 1931 and will be continued if necessary on the succeeding day.

A copy of the Proceedings of the Second meeting is enclosed for information.

By order,

N. Samudra
Secretary to the Committee.
Bru

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Committee to consider the Mysore Irriga-
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November 1930.**

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The clause was not considered fully. As several members expressed an inconvenience to continue the sitting on the next day the meeting was adjourned.

D. H. CHANDRASEKHARAIYA, B.A., LL.B.,
ADVOCATE AND
MEMBER OF MYSORE LEGISLATIVE COUNCIL,
EDUCATION BOARD AND DISTRICT BOARD.

5130/30
98
DAVANGERE.

Dated 29/4/1931

To,
The Secretary,
Legislative Council,
Bangalore.

Dear Sir,

189
30/4 your Official Memorandum announcing that the
meeting of the Select Committee to consider the Irrigation
Bill is held on Monday the 11th May 1931 is duly received.

As the meeting of the Board of Education of which I and
two others of the Select Committee are members, is already
proposed to be convened on the same date it seems desirable
to change the date and fix the said meeting sometime after
the 18th of May 1931.

Thanking you in anticipation of a kind reply,

Yours Sincerely
D. H. Chandrasekharaiya.

5145-99
p

Hassan, 29th April 31.

8289
1/5

Dear Sir,

With reference to your official memorandum No.G. 6895-912 (1) dated 27th April 31, I write to state that I am unable to attend to the meeting of the committee on 11th May 1931, as I have already fixed up engagement for that day. Besides I was unable to attend the two previous meetings on the same ground. Hence I request you to fixe up the meeting to some date after the 16th of this month to enable me to attend the same this time. A reply is awaited.

Yours sincerely,

H. B. Pradyuman.

N. Samiengar, Esq., B.A., B.L.,
Secretary, Mysore Irrigation Bill Committee,
Genl. & Rev. Sectt. Bangalore.

REPLY

(To be written on this margin.)

100
OFFICE OF THE SECOND MEMBER
OF COUNCIL.

NOTE.

Dated.....1st May.....1931.

The date of the meeting of the Irrigation Bill Select Committee has to be changed from the 11th instant as I find I have another meeting on that date (meeting of the Board of Education). I understand that some members of the Committee have expressed their inability to attend on that day.

Asstt. Secretary,
Protection Branch. *ky*

129 2/5-
File is submitted today for
orders.

2nd member)

W. Mallikarjun Rao,
Protection Branch.

Kindly let me know
for 2nd Member's information
who the Members of the
Irrigation Bill Select
Committee are.

Y. S. G.

Chennai

13/5/31

Government of His Highness the Maharaja of Mysore.

2/4/03

General and Revenue Secretariat.

Dated Bangalore the 5th May 1931.

No. P.

7097-112

OFFICIAL MEMORANDUM.

To

In modification of this Office Official Memorandum No. 6895/912 dated 27th April 1931 the meeting of the Select Committee to consider the Mysore Irrigation Bill will be held on Saturday the 16th instant at 1 P.M. instead of on Monday the 11th instant.

By Order,

16
H. Samington

Secretary to the Committee.

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

Dated Bangalore the 6th May 1931.

No. P. 7897-113

OFFICIAL MEMORANDUM.

To

In modification of this Office Official Memorandum No. 6895/912 dated 27th April 1931 the meeting of the Select Committee to consider the Mysore Irrigation Bill will be held on Saturday the 16th instant at 1 P.M. instead of on Monday the 11th instant.

By Order,

H. Saminger
& Secretary to the Committee.

SUBJECT

no cert

Section

File No.

Serial No.

Diary No. of letter replied to.

No.

To

The members of Select Com

General and Revenue Secretariat

()
the 193

Q. n.

Date of issue

8/5/31

Signed by

M. N. S. S.

In modification of the office

Q. n. no 6895-9128 27-6-31

the meeting of the Select Committee

to consider the Mysore Zorigation

Bill will be held on Saturday

the 16th instant at 1 P.M. instead ofon Monday the 11th instant. B. O

List of enclosures

989 Except the copy the

5/5

Copied by

A. S. S.

Copy to the Branch

Examined by

8/5/31

Personnel of the Committee to consider the
Mysore Irrigation Bill.

Chairman:- Rajamantrapravina K. Matthan, B.A.,

Members:-

Messrs.

1. S. P. Rajagopalachari. ✓
- ✓ 2. L. U. Coleman
3. K. R. Seshachar. ✓
4. P. Mahadevayya ✓ (Assigned) *S. Srinivasaiengar*
- + 5. B. Narayanaswamiengar *M. Rama Rao*
6. K. R. Srinivasaiengar.
7. B. K. Garudachar. ✓
8. H. C. Dasappa. ✓
9. M. G. Rangaiyya. ✓
10. H. B. Gundappa Gowda
11. Belur Srinivasaiengar
12. D. H. Chendrasekharaiya

Invited from the R.A.

Messrs.

1. Chengalroya Reddy
2. D. S. Malla *ff*
3. Nagappa Setty.
4. J. Mahomed Imam
5. Nanjundaraj Urs.
6. B. Gopalachar.

13th May 1931

Dear Mr. Chandrasekhara Aiyar,

As desired in your letter of date, I am arranging to postpone the meeting of the Select Committee on the Irrigation Bill now posted for the 16th instant.

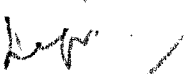
Yours sincerely,



Rajadharmapravina Diwan Bahadur
K.S. Chandrasekhara Aiyar, Esq.,
President, Retrenchment Committee.


13/5/31

289
13/5


13/5

SUBJECT.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No.

17397-413

To

C.M.

General and Revenue Secretariat

()
the 193

Date of issue

13/5/31

Signed by

M. N. S. S.

List of enclosures.....

Copied by.....

Examiner to
Office M.
Handlers office
Examined by
C. A. D. C. Office

The Meeting of
the Select Committee
to consider the Mysore
Irrigation Bill which
was fixed to be held
on 16.5.31 as per G.O.
No P 7097-113 dated
5.5.31, has been
postponed to go a
later date which will
be intimated in due
course

By Order

289

13/5/31 See to the
S.O.

Done by
13/5/31

Urgent
Chairman,
Retrenchment Committee.

P 107
Old Public Offices,
Bangalore, dated 13th May 1931.

I
289
13/5
Dear Mr. Nathan,

The Retrenchment Committee has arranged to meet from day to day till the 16th inclusive, and various heads of departments have been requested to meet the Committee on some one or other of these days.

It appears now, that the Select Committee on the New Irrigation Bill is also fixed to take place on the 16th. As three of our own members are on the Select Committee, as also Dr. Coleman (one of the heads of departments to be interviewed), may I know if you cannot, without material inconvenience, fix the Select Committee meeting for some other day?

I shall be glad for a reply in the course of the day.

Yours sincerely,

McChesney

tion

e No.

Serial No.

Diary No. of letter replied to

No.

To

General and Revenue Secretariat

the

193

Date of issue

Signed by

Sci,

M. R. S. G. 51 of 1931

for the conduct of
business of the Regional

you are appointed a

member of the S. C. 6

Consider the Mysore District

trial (and you are requested

to be present at the

to be held in the
meeting of the Council

Chambers of the Secret

Members of Council at 1 P.M.

on Saturday the 16th

The next date for
the meeting of the committee
has not yet been fixed. The
same will be
intimated to
you in due
course.

List of enclosures

Copied by

Examined by

may 23.17 [referred on pages 6-
be in [unclear] in due course.
[unclear] of the Proceedings

of the first and second
meetings are herewith
enclosed

I have etc

287
1911 Secy to the Committee

12/5/14

Personnel of the Committee to consider the
Mysore Irrigation Bill.

Chairman:- Rajamantrapravina K. Matthan, B.A.,

Members:-

Messrs.

1. S. P. Rajagopalachari.
2. L. C. Coleman
3. K. R. Seshachar.
4. P. Mahadevayya
5. B. Narayanaswamiengar
6. K. R. Srinivasaiengar.
7. B. K. Garudachar.
8. H. C. Dasappa.
9. M. G. Rangaiyya.
10. H. B. Gundappa Gowda
11. Belur Srinivasaiengar
12. D. H. Chendrasekharaiya.

Invited from the R.A.

Messrs.

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2. D. S. Malla *affa*
3. Nagappa Setty.
4. J. Mahomed Inam
5. Nanjundaraj Urs.
6. B. Gopalachar.

Section

File No.

Serial No.

Diary No. of letter replied to

No.

To

1340
 & Minara Durgam Chetty
 Omt.,
 Secy to Gov

General and Revenue Secretariat

()

the 193

Date of issue

Signed by

Sir,

Under Standing order 5
 for the conduct of business
 of the Legislature you are
 appointed a member of
 the Select Committee
 to consider the Mysore
 Amalgamation Bill and you
 are requested to be present
 at the meeting of the
 said Committee to be
 held in the Chamber
 of the Second Member of
 Council, Public Office,
 Bangalore on Tuesday
 the 21st inst at 10 P.M.

List of enclosures

Copied by

Examined by

Copies of the Bill and
Proceedings of the first
✓ Second Meetings of the
Committee are herewith
Enclosed

Yours sincerely

6
Dear Sir the Committee
1977/77

Don
11067

No. 9

OFFICE OF THE SECRETARY, LEGISLATIVE COUNCIL.

No. *90* Dated Bangalore..... *16/7/31* 1921.

To OFFICIAL MEMORANDUM.

For address as wide list at flag R

Member, Mysore Legislative Council.

A meeting of the Select Committee to consider the bill *Mysore*

Irrigation Bill

will be held in the *Chambers of the Secretary Member*
of Council, in the Public Office Bangalore
at *at P.M.* on *Tuesday Tuesday*
the *21st instant* 1921 and will be continued if
necessary on the succeeding day.
By Order,

Copies to the following with lists of members:
(1) *Office Manager for duty* *to the Council*
making the necessary leading
✓ lunch arrangement as before
(2) *A. & P.C. Office*
(3) *P.A. to Member*
(4) *Copy to W. Secy*
WD 2284—200—3-9-24
8/7 6/7/31

SUBJECT.....

Section

File No.

Serial No.

No.

Diary No. of letter replied to.....

General and Revenue Secretariat

()

the

193 .

To

Mr. Superintendent

Date of issue.....

1/8/31

Cout. Printing

Signed by.....

W. C. S. Sir,

List of enclosures.....

Copied by.....

Examined by.....

In forwarding during
 copy of the Proceedings
 of the third meeting of
 the Select Committee to
 consider the proposed
 irrigation via I am
 directed to request you
 to be good as to have
 100 copies of the same
 printed and sent to this

upon the evening of
 the 3rd Aug 1931
 [over]

one

1st August 1931

B. Puttaiya Esq., B.A.,
Superintendent, Government Printing, Bangalore.

In forwarding herewith copy of the proceedings of the third meeting of the Select Committee to consider the Mysore Irrigation Bill, I am directed to request you to be so good as to have 100 copies of the same printed and sent to this office before the evening of Monday the 3rd August 1931.

I have the honor to be,

Sir,

Your most obedient servant.

CC
For Chief Secretary to Government.
For

B.K.M.

No. 9

OFFICE OF THE SECRETARY, LEGISLATIVE COUNCIL.

No.....

Dated Bangalore.....192

To

OFFICIAL MEMORANDUM.

Member, Mysore Legislative Council.

A meeting of the Select Committee to consider the bill *Mysore*

Irrigation Bill

will be held in the Chambers of the Second Chamber of Council
at 1.15 P.M. on Monday

the 17th August 1931 and will be continued on the
following day till the bill is fully discussed & resolved

A copy of the proceedings of the last
meeting is also
enclosed.

Copy with list of members to -
1) C.P. for finally making the necessary seating & lunch arrangements
2) P.A. to the Council
3) A.A. & L.C. office.

By Order,
Secretary, Mysore Legislative Council to the Select Committee.

WD 2284—200—3-9-24

3/8/31

117
GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 14/8/31

No. P 1002(3)

From

The General ~~Chief~~ Secretary to the Government of His Highness the Maharaja of Mysore.

To

S. Hiriannaiya, Esq., B.A. B.L.,

Revenue Commissioner in Mysore.

Sir,

Under Standing Order of 51 of the Standing Order for the conduct of business of the Legislative Council you are appointed a member of the Select Committee to consider the Mysore Irrigation Bill and you are requested to be present at the meetings of the said Committee to be held in the Chambers of the First Member of Council, Public Offices, Bangalore on Monday the 17th instant at 1 P.M. and on the succeeding days.

Copies of the Bill and the proceedings of the three meetings of the Committee held heretofore are herewith enclosed.

I have the honour to be,

Sir,

Your most obedient servant,

Draft

Secretary to the S.C.

NOTIFICATION.

No. 4762—L. C., dated 16th May 1930.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Irrigation Bill is published for general information with the statement of objects and reasons.

By Order,
P. MAHADEVAYYA,
Ex-officio Secretary,
Legislative Council.

The Mysore Irrigation Bill.

Whereas it is expedient to make adequate provision Preamble.
for the proper regulation and control of water, for the levy
of contribution, for the regulation of customary labour,
for the punishment of Irrigation Offences and such other
matters pertaining to irrigation as are not adequately pro-
vided for in the existing Regulations and Rules having
the force of law; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called the Mysore Short Title.
Irrigation Regulation, 19 .

2. The Government may, by notification in the Extent and
commence-
ment.
Official Gazette, extend this Regulation, or any portion
thereof to any local area or to any class of irrigation
works, and may also by a like notification subsequently
exclude any portion of such local area or any such irriga-
tion work or class of works from the operation of the
Regulation, from such date as may be specified there-
in;

Provided that all existing Regulations, Rules, Orders
or usages having the force of law, in so far as they are

inconsistent with any of the provisions of this Regulation and the Rules made thereunder in the areas and with respect to the classes of irrigation works to which this Regulation is extended, are repealed to the extent to which they are so inconsistent;

And provided further that nothing herein contained shall be deemed to affect any acts done or liabilities incurred under the said Regulations, Rules, Orders or usages having the force of law.

Definitions.

3 In this Regulation, unless there is anything repugnant in the subject or context:—

'Irrigation work.'

(1) "Irrigation work" includes —

(a) all reservoirs, tanks, canals, channels and pipes constructed, maintained or controlled wholly or mainly by the Government for the supply or storage of water for purposes of irrigation;

(b) all works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, canals, channels or pipes and all roads constructed for the purpose of facilitating the construction or maintenance of such canals, channels, tanks, pipes or reservoirs;

(c) All water courses and drainage works as herein after defined;

(d) All lands occupied by the Government for the purposes of such canals, channels, tanks, pipes, reservoirs, and all buildings, machinery, fences, gates and other erections, occupied by or belonging to the Government, upon such lands;

'New Irrigation Work.'

(2) "New Irrigation Work" means any work irrigation as defined in clause (1), constructed or completed after this Regulation comes into force:

'Water Course.'

(3) "Water Course" (*hikkal*) means any channel or pipe which is supplied with water from an irrigation work, but which is not maintained at the cost of the Government, and all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe:

'Drainage work.'

(4) "Drainage work" means channels, either natural or artificial, for the discharge of waste or surplus water, and all works connected with or auxiliary to such channels and escape channels from an irrigation work, dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion

Bomb
3 (1)

B 3 (2)

B 3 (3)

formed or maintained by the Government either wholly or in part :

(5) "Deputy Commissioner " includes any officer appointed by the Government to exercise all or any of the powers of a Deputy Commissioner under this Regulation;

B 4(5)
'Deputy Commissioner.'

(6) "Irrigation-Officer" means any officer not below the rank of an Assistant Commissioner or an Assistant Engineer appointed by the Government to exercise all or any of the functions of an Irrigation Officer under this Regulation;

'Irrigation Officer.'

(7) "Owner" includes every person having a joint interest in the ownership of the thing specified.

B 4(7)
'Owner.'

(8) "Labourer" means any person accustomed to manual labour:

'Labourer.'

(9) "Magistrate" means a Magistrate of the first or second class and includes a Magistrate of the third class when he is specially empowered by the Government to try offences under this Regulation.

'Magistrate.'

1. The Government or, subject to such rules as may be made under this Regulation, any Officer whom the Government empowers in this behalf, may declare by Notification in the *Official Gazette*, the Officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed, shall be exercised or performed.

B 4(a)

CHAPTER II.

OF THE CONTROL OF WATER AND OF IRRIGATION WORKS.

Any Irrigation Officer appointed in this behalf and any person acting under the general or special orders of such Irrigation Officer may enter upon any land, building or water course, for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby, and of doing anything necessary for the proper regulation, maintenance and management of any irrigation or drainage work.

B 8
Power to enter upon land for purposes of inspection, etc.

6. On any damage happening or being apprehended to any irrigation or drainage work, or in any other emergency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the

B 9
Powers for repairing or preventing damage to an irrigation or drainage work.

neighbourhood of any irrigation or any drainage work, and may repair any existing work, construct any new work, or take and utilise any material, and take any measures or do anything that may, in his opinion, be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

Notice of intended entry on private property to be given in certain cases.

B 10

7. When an Irrigation Officer, or any person acting under his general or special orders in this behalf, proposes under the provisions of section 5 or section 6 to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden, such reasonable notice as the urgency of the case may allow.

CHAPTER III.

OF WATER COURSES.

Construction, extension, improvement or alteration of a water course on the application of person interested.

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8. (1) Any person desiring the construction, extension, improvement, or alteration of a water course may apply in writing to the Irrigation Officer appointed in this behalf, and the said officer shall, after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or have it constructed, extended, improved or altered, through the Public Works Department on such terms and conditions as regards payment of costs, time and mode of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be decided upon in each case, or may reject the application. Against the order of the Irrigation Officer in this behalf, an appeal shall lie, within thirty days from the date of the said order, to the Deputy Commissioner whose decision shall be final.

(2) If it is necessary to acquire any land for the purposes of sub-section (1) of this section, the Deputy Commissioner of the District may proceed to acquire the same under the provisions of the Land Acquisition Regulation, 1894.

*Explanation:—*For the purposes of this sub-section, the construction, extension, improvement or alteration of a water course, though executed solely at the expense of a

private person, shall be deemed to be a public purpose under sections 4, 6, 7 and 35 of the Land Acquisition Regulation, 1894.

9. No water course constructed, extended or improved under the provisions of section 8 may be altered without the consent of the Irrigation Officer.

10. Every owner or occupier of land which receives a supply of water from a water course shall be bound:—

(a) to maintain such water course in a fit state of repair; and

(b) to allow the use of it to any person entitled to the same by reason of an order passed under section 8.

11. (1) If any owner or occupier of land which receives a supply of water from a water course, fails to fulfil any obligation imposed on him by section 10, any Irrigation Officer appointed in this behalf may require him by notice to execute the necessary work or repair within such period, not less than five days from the date of service of notice, as may be prescribed therein, and in case of his default, may execute the same on his behalf.

(2) The expenses incurred by the Irrigation Officer on any work or repair under sub-section (1) of this section shall be recoverable from the defaulter as an arrear of land revenue.

No alteration of water course except with consent of Irrigation Officer. Obligations of owners of land receiving supply from water course.

Enforcement of said obligations.

CHAPTER IV.

REGULATION OF IRRIGATION.

12. The Deputy Commissioner of the District or any other officer specially empowered by the Government in this behalf may regulate in respect of any irrigation work for each year or for a specified term of years at a time, as circumstances may require,

- (1) the time for letting out water for irrigation,
- (2) the period of the supply, and
- (3) the quantity of the supply,

after holding such enquiry as is provided for by rules framed by the Government and such regulation shall be final.

13. Every person desiring the supply of water from a new irrigation work, shall submit a written application to that effect to an Irrigation Officer appointed to receive

Regulation of water-supply from irrigation works.

Supply of water from a new irrigation work.

such applications, in such form as may be prescribed by the Government.

If the supply of water is desired for irrigation, it may be granted for such period and on such terms as may be prescribed by rules framed by the Government.

If the application is for the supply of water for purposes other than those of irrigation, the Irrigation Officer may, with the sanction of the Government, permit water to be taken for such purposes subject to such special conditions and restrictions as the Government may impose in each case.

14. The supply of water to any water course or to any person who is entitled to such supply shall not be stopped except in the circumstances and subject to the limitations specified below, namely,

(a) whenever and so long as it is necessary to stop such supply—

(i) for the purpose of executing any work ordered by competent authority; or

(ii) in order to supply in rotation the legitimate demand of other persons entitled to water;

(b) whenever and so long as any water course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom; and

(c) within the periods fixed from time to time by an Irrigation Officer acting under section 15, of which reasonable notice shall be given.

15. An Irrigation Officer may, in any year having regard to the quantity of water available in any irrigation work under his control, determine the portion out of all or any of the wet lands in the irrigable area of such irrigation work, to be cultivated with irrigated crops and regulate the supply of water accordingly; and if any land assessed as wet is not supplied with water for irrigation, he may remit such portion, not exceeding one-half of the assessment thereon as he thinks fit, subject to such rules regarding the remission of assessment as may be made by the Government and are for the time being in force.

An appeal shall lie from the order of the Irrigation Officer under this section, within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

16. (1) All rights to the supply of water from an irrigation work, to any land, building or other immovable property shall be presumed to have passed to the transferee with the transfer of such land, building or other immovable property, whenever such a transfer has been effected.

Right to the supply of water passes with the property entitled to the supply.

B. 30

(2) No person entitled to the use of land appertaining to any irrigation work or to use the water of any irrigation work shall sell or sub-let or otherwise transfer his right to such use without the permission of the Irrigation Officer duly empowered to grant such permission.

CHAPTER V.

OF THE CONSTRUCTION AND MAINTENANCE OF IRRIGATION WORKS ON SPECIAL TERMS.

17. Whenever it appears to the Government that the construction or improvement of an irrigation work in any local area is not likely to be remunerative unless on the lands irrigable by such work, payment of an acreage contribution or water-rate or both, in accordance with such rules as may be framed by the Government is guaranteed, the Government may direct the Deputy Commissioner or any other officer appointed by them in this behalf to hold an enquiry in the manner hereinafter provided.

Preliminary enquiry to be held when the levy of acreage contribution of water-rate or both is necessary for undertaking construction or improvement of an irrigation work.

18. The Deputy Commissioner or other officer appointed to make the enquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than thirty days after the last date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction or improvement, an estimate of the capital and recurring expenditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area) and the rates at which it is proposed to levy contribution of water-rate or both in respect of the lands within the benefited area, and shall invite the holders of such lands to submit any objections or suggestion that they may desire to make on or before the date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the enquiry.

Procedure in holding the enquiry.

Report of the
enquiring
officer.

19. If the Deputy Commissioner or other officer appointed to make the enquiry after considering any objections or suggestions duly submitted and the evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area give their consent in writing to such construction or improvement and to the payment of the proposed contribution or water-rate or both, he shall embody his proceedings in a report, and submit the same to the Government together with a statement of objections and suggestions presented to him and any remarks he may desire to make in respect of them.

Government
may abandon
or proceed
with the
scheme.

20. Upon receipt of the report submitted under section 19, the Government may, after such further enquiry, if any, as it may make, either abandon the scheme, or proceed with the scheme in the original form or with such modifications as it may consider necessary; provided that where the modifications involve a substantial increase in the benefited area or in the acreage contribution or water-rate to be imposed, the provisions of sections 18 and 19 shall apply to the altered scheme.

Publication of
the scheme as
finally ap-
proved by the
Government.

21. (1) The scheme as finally approved by the Government shall be published in the *Official Gazette*, and it shall embody the following particulars:—

(a) a specification of the work which it is proposed to construct or improve and an estimate of the capital and recurring expenditure involved thereby;

(b) the estimated time required for the completion of the work;

(c) a description of the benefited area;

(d) the rates at which contribution will be recovered in respect of the lands in the benefited area;

(e) the rates at which water-rate will be imposed on the lands in the benefited area; and

(f) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

2. The contribution referred to in Clause (d) of sub-section (1) shall in no case exceed one-half of the difference between the value of the wet and dry lands in the locality.

3. The water-rate referred to in clause (e) of sub-section (1) shall be liable to periodical revision at intervals of not less than ten years.

(4) The publication under sub-section (1) of a scheme as approved by the Government shall be conclusive

proof that any consent recorded therein has been duly obtained.

22. After the scheme has been carried out, the Deputy Commissioner may, subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land within the benefited area, in addition to the assessment fixed under the provisions of section 112 of the Mysore Land Revenue Code, 1891, contribution or water-rate or both at the rates referred to in section 21.

Levy of contribution and water-rate on lands within the benefited area.

Provided that the Deputy Commissioner may exempt from the whole or any part of this liability any land in the benefited area on the ground that the benefit from the irrigation work does not reach such land.

Provided further that when a water-rate is levied from the holder of any land under this section, no such rate shall be leviable in respect of such land under the provisions of section 53 of the Mysore Land Revenue Code, 1888.

CHAPTER VI.

OF OBTAINING LABOUR AND MATERIALS IN EMERGENCIES.

23. (i) Whenever it appears to an Irrigation Officer, or in his absence the Amildar of the Taluk, that unless some work or repair is immediately executed any irrigation or drainage work would sustain such serious damage as to cause sudden and extensive public injury,

Impressment of labour and materials for urgent works of repair, etc.

or, that unless some clearance of an irrigation or drainage work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss would occur,

and that the labourers necessary for the proper execution of such work, repair or clearance cannot be obtained in the ordinary manner in time to prevent such injury or loss,

it shall be lawful for such officer to require the Patel or Patels of the village or villages in the vicinity to call upon all or any of the labourers who reside or hold land in or near the locality where such work, repair or clearance has to be executed to assist in the execution of the same by their labour, as such officer or other person authorised by him in this behalf may direct.

(ii) Such officer or other person authorised by him in this behalf, may also enter upon or into any immovable

property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees and any timber, bamboos, mats, ropes, straw, earth, stones or other materials found in or upon such property, and use the same for the purposes of such work, repair or clearance.

(iii) Every person so authorised shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Payment for
materials
taken.

24. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under section 23 or whose materials may be taken under that section shall, as soon as may be reasonably practicable and in any case within fifteen days from the date of such impressment, be paid by the Irrigation Officer or the Amildar as the case may be, for their labour and detention or for such materials at 25 per cent in excess of the rates for the time being prevailing in the neighbourhood. If the persons are required to work or are detained at night, they shall be paid at double such rates.

Compensation
for damage
done in taking
materials.

25. Whenever as a result of the removal, under section 23, of any trees, bamboos, earth, stone or other materials, any damage over and above the price payable for such materials results directly to any person, the Irrigation Officer or the Amildar, as the case may be, shall pay to such person a reasonable amount of compensation for such damage, subject to such rules as may be framed in this behalf by the Government.

Appeals
against orders
under sections
24 and 25.

26. Against an order under section 24 or section 25, an appeal shall lie within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

CHAPTER VII.

OF CUSTOMARY LABOUR.

Works for
which custo-
mary labour
is enforceable

27. The provisions of this chapter shall apply to the following irrigation and drainage works :—

- (a) All river and spring channels;
- (b) All tanks;
- (c) All feeder channels connected with tanks.

28. (i) Every occupier of land, irrigated or drained by any irrigation or drainage work, as well as the inhabitants of the village or villages and all others who derive any benefit, directly or indirectly from the work shall perform, in respect of such work, without payment, the following customary labour:—

Nature of, and persons liable to perform, customary labour, and the levy of cash contribution in lieu of labour.

- (a) Filling up *gullies*, cracks, ruts and holes;
- (b) Removing any rank growth or pernicious weed;
- (c) Clearing such underwood as may be considered by the Irrigation Officer to be injurious;
- (d) Clearing sand or silt from sluices and branch channels and repairing the earthwork of petty and branch channels and clearing the accumulation in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields;
- (e) Maintaining the bund to the standard level and with the slopes specified;
- (f) Keeping in order the feeder channels of tanks;
- (g) Watching the bunds of all tanks during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluices, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation.—All land forming part of the registered or recognised *atchkat* of an irrigation work shall be deemed to be land irrigated by such work, within the meaning of this section.

(ii) The Government may by an order direct in respect of all or any of the aforesaid works in any locality that the customary labour to be performed under this section need not be performed either wholly or in part, or that in lieu of such labour a contribution in cash at a flat rate per acre of holding be levied on the persons bound to perform the same. Such order may at any time be cancelled or modified by the Government.

29. It shall be the duty of the Patel of every village to see that in respect of any irrigation or drainage work situated in the village or villages in his charge the customary labour specified in section 28 is duly performed and the work maintained in an efficient condition.

Village Patel responsible for due performance of customary labour.

30. If during the execution of any work any person who is bound to contribute labour towards such work, neglects or refuses to do so, the Patel, or upon the report of the Patel, the Irrigation Officer, may get the work

Execution of work with hired labour on failure of customary labour.

performed by hired labourers, after giving notice by beat of drum in villages in which the persons bound to do the work ordinarily reside or the land so irrigated or drained is situate, requiring such persons to carry out the work by a specified date and on their failure to comply with the requisition within the appointed time.

Determina-
tion of quan-
tum of labour
to be contri-
buted.

31. The quantum of labour which each person liable under section 28 is bound to contribute, and the proportionate share of labour for each village where an irrigation or drainage work serves more than one village, shall be determined in accordance with rules framed by the Government in this behalf.

Penalty for
failure to per-
form custom-
ary labour.

32. Whenever any person who is bound to contribute labour under section 28 neglects or fails to do so without sufficient and reasonable cause, the Irrigation Officer may levy from such person a sum not exceeding twice the value of the labour which such person is bound to contribute, and such amount shall be recoverable as an arrear of land revenue.

Against the order of the Irrigation Officer, an appeal shall lie, within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

Offences
under the
Regulation.

33. (i) Whoever voluntarily and without proper authority damages, alters, enlarges or obstructs any irrigation or drainage work;

(ii) interferes with, increases, or diminishes the supply of water in, or the flow of water from, through, over or under any irrigation or drainage work or does any act which renders such irrigation or drainage work less useful than is intended for the purpose for which it was constructed;

(iii) opens, shuts or obstructs, or attempts to open shut or obstruct, any sluice in any irrigation work;

(iv) corrupts, or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used;

(v) destroys, defaces or moves any land or level mark or water gauge fixed by the authority of a public servant;

(vi) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work;

(vii) causes any animal or vehicle to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under section 43;

(viii) causes or permits any animal to graze or be tethered upon the bank or border of any irrigation or drainage work;

(ix) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation or drainage work;

(x) puts up a dam across or otherwise obstructs the free course of water, the right to which vests in the Government;

(xi) violates any rule made under section 43, the breach whereof is declared to be an offence punishable under this section; and

(xii) whoever, being responsible for the use and maintenance of a water course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner, or prevents or interferes with the lawful use of such water course by any person authorised to use the same, under section 8, shall be deemed to commit an offence under this Regulation and shall, on conviction before a Magistrate be punished for each such offence with fine which may extend to one hundred rupees.

34. Any labourer who, being duly called upon by the Patel of his village to assist, by his labour in the execution of any work under section 23, refuses or neglects to comply with such call without lawful excuse, shall on conviction before a Magistrate be punished with fine which may extend to one hundred rupees or with simple imprisonment which may extend to one month or with both. Penalty.

35. All offences under this Regulation are triable summarily in the manner provided in Chapter XXII of the Criminal Procedure Code.

Persons convicted under section 33 or of the offence of mischief in relation to an irrigation or drainage work liable to repair the damage, etc.

36. When any person is convicted of an offence under section 33 or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work, the convicting Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any Irrigation Officer may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

Recovery of cost of repairing damage when the offender is unascertainable.

37. When the person causing any damage, alteration, enlargement or obstruction to any irrigation or drainage work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, after giving not less than one month's notice to the occupiers of all lands in his opinion benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration, enlargement or obstruction, in such proportion as he thinks fit.

Punishment under other laws not barred.

38. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this Regulation.

Provided that no person shall be punished twice for the same offence.

Power to remove obstruction or damage to works.

39. Any person in charge of, or employed upon any irrigation work, may remove from the lands or buildings belonging thereto any person who within his view :

(i) wilfully damages, obstructs, or fouls any irrigation work, or

(ii) without proper authority interferes with the supply or flow of water in or from an irrigation work so as to endanger, damage, or render less useful any irrigation work ;

and may, if the name and address of such person be unknown or if he refuses to give his name or address or gives a name or address which such officer has reason to believe to be false, arrest him without a warrant and take or forward him to the Patel of the village within the limits of

which such damage, obstruction or interference has been caused. The Patel shall thereupon hold such enquiry as he may think necessary and if he finds the allegation to be well founded, file a complaint before the Magistrate having jurisdiction to try the case. If such enquiry is not commenced and completed on the day on which such person is arrested the Patel shall admit such person to bail or, if sufficient bail is not tendered, forward him forthwith in custody to the said Magistrate with a report of the circumstances under which such arrest was made.

CHAPTER IX.

MISCELLANEOUS.

40. The Government or the Revenue Commissioner may call for and examine the records of the proceedings under this Regulation of a Deputy Commissioner for the purpose of satisfying itself or himself as to the propriety of any decision or order passed by him and the regularity of his proceedings.

Power of
Revenue
Commissioner
to review.

If in any case it shall appear that any decision or order or proceedings of a Deputy Commissioner should be modified, annulled or reversed, the Government or the Revenue Commissioner may pass such order thereon as it or he deems fit.

41. Any Officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, and every such enquiry shall be deemed a judicial proceeding.

Power to
summon and
examine
witnesses.

42. Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the Officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person named therein. When such person cannot be found, the service may be made on any adult male member of his family, residing with him, and if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and if such person has no ordinary place of residence within the village, service of any notice may be

Manner of
serving
notices.

made by sending a copy of such notice by post in a registered cover addressed to such person at his usual place of residence, and if the place of residence is not known by affixing it in the *chavadi* of the village to which the action relates.

Jurisdiction
of Civil
Courts barred.

43. No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with under the provisions of Chapter VI or Chapter VII.

Power to
make rules.

44. (i) The Government may, after due publication, make rules not inconsistent with this Regulation to carry out all or any of the provisions of the Regulation.

(ii) Without prejudice to the generality of the foregoing power, such rules may regulate the following matters, namely :—

(a) the proceedings of any officer who under any provision of this Regulation, is required or empowered to take action in any matter ;

(b) the cases in which, the officers to whom and the time and conditions subject to which orders and decisions given under any provision of this Regulation and not expressly provided for as regards appeal, shall be appealable ;

(c) the person by whom, the time, place, and manner at or in which, anything for the doing of which provision is made in this Regulation shall be done ;

(d) the amount of any charge to be made under this Regulation ;

(e) matters falling under sections 8 and 12.

(iii) The rules made under this section shall be published in the *Official Gazette* and shall thereupon have effect as if enacted in this Regulation.

Statement of Objects and Reasons.

This Bill is intended to make provision for certain matters pertaining to irrigation such as, the construction of water courses (*hikkals*) ; the regulation of irrigation ; the levy of contribution and water rate in respect of new irrigation works ; the regulation of customary labour ; and the punishment of irrigation offences.

2. Provision is made for giving power to irrigation officers to enter upon any land or building for the purpose of inspection, regulation, and maintenance of irrigation

works and their protection, in times of danger, etc (Chapter II.)

3. There is at present considerable complaint as regards the distributary channels leading from the main channel. Provision is made in the Bill for the construction of such channels called water courses or *hikkals* after enquiry and for the recovery of the cost from the persons who derive benefit. The obligation of the raiyats to maintain distributary channels is brought within the purview of the Bill as also the power to get it done at Government cost in case of failure on the part of the person bound to do the maintenance work. (Chapter III.)

4. At present, there is no statutory provision for the regulation of irrigation. Matters are at present regulated by *mamool* which is vague. Provision is herein made to systematise the existing practice, and also to enable the Government to regulate the distribution of water in times of deficient supply. (Chapter IV.)

5. There is at present no statutory provision as regards the recovery of water-rate and contribution in respect of major irrigation works. Provision is now made for the levy of contribution and water-rate in respect of new works, under certain conditions. (Chapter V.)

6. There is at present no provision for impressment of labour and material in cases of emergency when irrigation works are in danger. This has been now provided for. (Chapter VI.)

7. The existing provisions as regards maintenance work to tanks are incorporated in the bill; and provision is also made for commuting the liability to contribute customary labour into cash payment on defined principles. (Chapter VII.)

8. Irrigation offences are enumerated in detail, and made triable summarily by Magistrates specially empowered for the purpose. (Chapter VIII.)

PROCEEDINGS OF THE FIRST MEETING OF THE SELECT
COMMITTEE OF THE LEGISLATIVE COUNCIL TO
CONSIDER THE MYSORE IRRIGATION BILL HELD ON
30TH AUGUST 1930.

All the members except Mr. H. B. Gundappa and Dr. L. C. Coleman were present.

Mr. B. Narayanaswamiengar, Development Secretary to Government, was also present.

The first three chapters were examined and the following decisions were arrived at :—

CHAPTER I.

With reference to the definition of 'Irrigation work' the question was raised whether Thalaparige (ತಲಪರಿಗೆ) can be said to be included thereunder. It was considered desirable that Thalapariges may expressly be included under the definition.

Re the definition of 'Drainage work' it was suggested that the word 'means' may be replaced by 'includes' as in the Madras Bill.

In the definition of "Owner" it was suggested that the word "Joint" may be omitted.

With reference to the definition of "labourer" it was considered desirable that it may altogether be omitted, and that in place of the words "all or any of the labourers" used in section 23, the expressions as employed in section 58 Bombay Act, "all or any of the able bodied Persons" may be substituted.

It was decided that the word "occupier" may be included in the definitions and it may be defined on the same lines as in the Madras Bill with the addition "and includes a tenant."

Referring to the definition of 'Magistrate' Mr. H. C. Dasappa expressed the opinion that *ex-officio* Magistrates should not ordinarily be empowered under the Regulation to try offences.

CHAPTER II.

With reference to clauses 5 and 6 of the Bill, objection was taken to certain expressions used in the last portion of cl. 6, and, it was therefore considered desirable to substitute the language of cl. 19 of the Madras Bill which is as follows :—

"In case of any actual or apprehended damage to an irrigation or drainage work, or whenever necessary for the regulation, maintenance or management of such work or for the purpose of inspecting or regulating the supply, or in case of urgency when any new work is immediately required to prevent serious detriment to the efficiency of an irrigation or drainage work, any irrigation officer, or any person acting under his general or special orders, may at any time enter upon any lands adjacent to, or in the neighbourhood of, such irrigation or drainage work and may execute all works which may be necessary for the purpose of repairing or preventing such damage or for constructing any new work in case of urgency or for the inspection or regulation of the supply or for the regulation, maintenance or management of the irrigation or drainage work."

With reference to the provisions as regards notice in section 7 it was suggested that notice should be in writing. The question was reserved to be re-examined later.

CHAPTER III.

With reference to clause 8 the following changes were suggested—

‘May’ to be substituted for the word ‘shall’

Between the words “or” and “have” the words “if the applicant so desires” should be inserted.

A comma to be added at the end of “Public Works Department.”

Instead of the words ‘time and mode of completion’ the words “mode of execution and time of completion” should be substituted.

Instead of the words “as may be decided upon” the words “as may be relevant” should be substituted.

The words “of the District” should be added after “Deputy Commissioner,” and a second appeal should be provided for.

The amended clause will be as follows:—

Any person desiring the construction extension, improvement, or alteration of a water course may apply in writing to the Irrigation Officer, appointed in this behalf, and the said officer may after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct extend, improve or alter the said water course or if the applicant so desires, have it constructed, extended, improved or altered, through the Public Works Department, on such terms and conditions as regards payment of costs, mode of execution and time of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be relevant in each case, or may reject the application.

Against the order of the Irrigation Officer in this behalf an appeal shall lie within 30 days from the date of the said order to the Deputy Commissioner of the District and as against his decision a second appeal shall lie within 90 days from the date of this order to the Revenue Commissioner whose decision thereon shall be final.

It was decided that the words ‘or otherwise’ may be added at the end of cl. 10 (b).

It was considered desirable that a new provision as in section 26 of the Bombay Act may, with necessary changes, be introduced for settlement of disputes of persons interested in water courses. This has to be inserted between clauses 10 and 11 being included as a sub-clause of section 10.

It would read as follows:—

“Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, or among joint owners of a water course as to their respective shares of the expense of constructing or maintaining such water-course, or as to the amount severally contributed by them towards such expense, or as to failure on the part of any owner to contribute his share,

any person interested in the matter of such dispute may apply, in writing, to an irrigation officer duly empowered to receive such applications, stating the matter in dispute.

Such officer shall then hold a summary enquiry in the manner prescribed in section 203, Land Revenue Code after giving notice to the persons interested and pass his order thereon.

An appeal shall lie as against his order to the Deputy Commissioner of the District whose order thereon shall remain in force until set aside by a decree of a Civil Court.”

**Proceedings of the Meeting of the Select
Committee to consider the Mysore Irriga-
tion Bill held at 12 noon on 28th
November 1930.**

The First Member of Council being indisposed, Mr. S. P. Rajagopalachari, Revenue Commissioner presided at the meeting as desired by the Member, having also been elected by the other members of the Committee present.

All the members of the Select Committee excepting Mr. H. B. Gundappa were present at the meeting. Among those invited from the R. A., Messrs. Nagappa Setty and Nanjundaraj Urs were absent.

The Chairman at the outset referring to the printed copies of the proceedings of the previous meeting which had been circulated, observed that the points reserved for consideration therein may be considered later.

The discussions began with the consideration of Chapter IV (Regulation of Irrigation).

Clause 12 was approved generally subject to three points being considered in relation to that clause to be provided for if necessary after a further consideration thereof :—

The points raised were the following :—

(1) The form of enquiry or consultation to be held before a regulation is ordered under this section.

(2) Provision to be made to the effect that regulation should be without prejudice to vested rights if any.

(3) The order should not be final and these should be a provision for appeal.

In relation to point No. 1,

Messrs. D. S. Mallappa and Belur Srinivasa Iyengar were of opinion that the 'regulation' should be after consultation with a Panchayet.

As regards the 2nd point:—

Mr. K. R. Srinivasa Iyengar suggested the addition of a proviso to the effect that such regulation shall be without prejudice to the existing vested rights, if any, of parties as regards the extent of irrigation they are entitled to under the survey guarantee or otherwise.

The 3rd point was reserved to be considered later in relation to section 40 which, it was suggested, required to be revised.

Clause 13. The Clause was approved.

Clause 14. This clause was also approved subject to provision being made for compensation

cases of failure of supply etc., (as in
Section 31 of Bombay Act).

of providing for compensation was
examined further.

Clause 15. This clause was discussed at length.
The suggestions provisionally approved were on the
following points :—

(1) Government may be empowered to form
Irrigation Committees to assist the 'Irrigation
Officer' in accordance with rules to be framed by
Government in that behalf.

(2) The words "to be supplied with water"
should be substituted for "to be cultivated with
irrigated crops."

(3) The words 'shall remit' may be substi-
tuted for 'may remit.'

(4) The words 'sufficient for wet cultivation'
may be substituted in place of 'for irrigation' where
it occurs a second time.

There was a discussion regarding the rate of
remission and non-official opinion was generally in
favour of having the words 'not less than half';
Mr. K. R. Srinivasaiengar was not in favour of the
wording suggested.

Regarding para 2 of the clause it was agreed that
the period for preferring an appeal should count
from the date of the service of the order in the
manner prescribed in section 42 and that a further
appeal should be allowed as in the case of clause 8
(*vide* First days Proceedings).

Clause 16. Sub-clause (2) was reserved for con-
sideration later.

CHAPTER V.

The heading was agreed to be changed into
"of the construction or Improvement of Irrigation
works on Special terms."

Clause 17. The applicability of the clause to
Irrigation Works of the type of Krishnarajasagara
Works was discussed at length.

The clause was not considered fully. As several
members expressed an inconvenience to continue
the sitting on the next day the meeting was
adjourned.

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Dated Bangalore, 31st July 1926.

OFFICIAL MEMORANDUM.

In view of the importance of the Tank System of Mysore, and the necessity for ensuring more efficient methods for the restoration of tanks, Government in their Order No. P. W. 3530-36, dated 31st March 1926, directed the formation of a Tank Survey Division, for the collection of all necessary data for preparing a suitable programme for the selection of tanks for restoration or improvement in the future.

2. It was represented at the Deputy Commissioners' meetings, held at Mysore, on the 17th and 18th June 1926, that, owing to want of control over the distribution of water, more land than could be cultivated with the available water-supply was sown with wet crops and the raiyats sustained much avoidable loss. It was further stated that there was great wastage in the use of water and that, under a system of better regulation of water-supply, a larger extent of land could be brought under wet cultivation than is done at present. It is also reported that the feeder channels of large tanks are usually in disrepair and that sufficient attention has not been paid to the provision of masonry *madaboy*s, etc.

3. The draft Irrigation Bill, which was published in the *Mysore Gazette*, dated the 27th September 1923, contains necessary provisions for regulating supply of water and preventing waste, and has to be taken up for consideration and placed before the Representative Assembly and the Legislative Council at an early date.

4. In the Malnad districts, the grants under the Irrigation Cess Fund have not been utilised in full. There is an order of the Chief Commissioner to the effect that the surplus proceeds of the Irrigation Cess Fund could be utilised for the construction of new roads. It is (Government) considered that after the requirements of the tanks in the Malnad are fully met, there may be no objection to utilising the remainder for the repair of old or construction of new roads.

5. These questions require careful consideration by a Committee before further action can be taken thereon. Government are pleased to appoint the following gentlemen as members of the Committee :—

- (1) The Revenue Commissioner (Chairman).
- (2) Mr. K. R. Seshachar.
- (3) Mr. A. K. Syed Taj Peeran, Deputy Commissioner, Shimoga District.
- (4) Mr. B. Narasinga Rao, Pleader, Mysore.
- (5) Mr. N. S. Nanjundiah, President, District Board, Hassan.

6. The following points will be considered by the Committee and a report submitted before the end of September next :—

- (1) Regulation of water-supply in tanks and channels to avoid waste, and to ensure its full use for purposes of cultivation.
- (2) The introduction of the Irrigation Bill.
- (3) Examination of the provisions of the Tank Panchayet Regulation, and suggestion of changes necessary.
- (4) The utilisation of the proceeds of the Irrigation Cess in the Malnad for repair and construction of roads.

By order,

C. RANGANATHA RAO SAHIB,
Secretary to Government, Revenue Department.

Dated Bangalore, 8th—12th April, 1927.

FROM

P. G. D'SOUZA, Esq., B.A., B.L.,
Revenue Commissioner in Mysore.

TO

*The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.*

SIR,

With reference to your letter No. R. 6326, dated 6th April 1927, I have the honor to state that the Irrigation Committee constituted by Government in G. O. No. R. 632-6—L. R. 91-26-1, dated 31st July 1926, has met so far three times, viz., on 13th September 1926, 26th October 1926, and 7th April 1927.

2. At the first meeting, they took up for consideration the question of the Revision of the Tank Panchayet Regulation. At the second meeting, the proceedings of the previous meeting were approved and the preliminary material to be collected in connection with the scrutiny of the Irrigation Bill was discussed. The Secretariat files and other available literature were then circulated to the several members, and these were returned to this office only on the 5th instant. The latest meeting of the Committee was held on 7th April 1927; and all the minor points which had been referred to the Committee were discussed. The draft Irrigation Bill also came up for discussion, but no definite conclusions were arrived at in the absence of sufficient material. The Committee felt that as this was a matter of far-reaching importance and raising many difficult problems, it would be undesirable to hurry through the draft bill now before them, as they considered that it would require to be simplified and recast. The Committee expected to be able to submit definite proposals to Government early.

3. The proceedings of the first meeting and the draft proceedings of the third meeting which is under circulation are sent up for the information of Government. Every effort will be made to complete the deliberations of the Committee with all possible speed.

I have the honour to be,

SIR,

Your most obedint servant,

P. G. D'SOUZA,
Revenue Commissioner.

PROCEEDINGS OF THE FIRST MEETING OF THE COMMITTEE APPOINTED IN GOVERNMENT ORDER No. R. 632-6—L. R. 91-26-1, DATED 31ST JULY 1926, TO CONSIDER QUESTIONS CONNECTED WITH TANK IRRIGATION AND OTHER MATTERS, HELD IN THE REVENUE COMMISSIONER'S OFFICE, BANGALORE, ON 13TH SEPTEMBER 1926.

Present:

Mr. C. S. Balasundaram Iyer, Revenue Commissioner (*Chairman*)
 , K. R. Seshachar.
 , A. K. Syed Taj Peeran.
 ,, B. Narasinga Rao.

A letter from Mr. N. S. Nanjundiah expressing his inability to attend was read and recorded.

Of the 4 points referred to the Committee for consideration, the Tank Panchayet Regulation was taken up first. After discussion, it was resolved that the following changes in the Regulation might be recommended to Government:—

1. *Section 3.*—At the end add the words: “or may empower the Village Panchayet under Section 23 of the Village Panchayet Regulation to exercise all the powers and discharge all the functions of a Tank Panchayet under this Regulation.” Section 23 of the Village Panchayet Regulation may be slightly amended, the reference to Section 3 of Tank Panchayet Regulation therein being changed to “Sections 3 to 9.”
2. *Section 15 (i) Substitute “shall” for “may” and (a) may be worded as follows.*—“Determine the portion of the wet lands in the irrigable area of such tank to be cultivated with wet crops and the rest of the lands in the said irrigable area with irrigated dry or semi-dry crops and regulate the supply of water for irrigation accordingly.”

Section 15 (b).—Add “and may” at the beginning.

Section 15 (2).—This may be deleted.

Section 15 (3).—Omit the words “for irrigation” and substitute “for the irrigation of wet or sugar-cane crops.”

The amended Section will read as follows:—

Section 15 (1).—A Tank Panchayet specially empowered by Government in this behalf, shall in any year, having regard to the quantity of water available in any tank under its control.

- (a) determine the portion of the wet lands in the irrigable area of such tank to be cultivated with wet crops and the rest of the lands in the said irrigable area with irrigated dry or semi-dry crops and regulate the supply of water for irrigation accordingly.
- (b) and may select a compact and suitable block as near to the sluice of the tank as possible and parcel it out among the different raiyats who may be desirous of growing sugar-cane on such terms as regards the rent or share of the produce to be paid to the holder or holders of the lands comprised within the block as may appear to it to be reasonable and as may be agreed to by such holder or holders.

Section 15 (2).—If in accordance with the decision of the Panchayet under clause (a) of sub-section 1, any land assessed as wet is not supplied with water for the irrigation of wet or sugar-cane crops, the holder of such land shall be entitled to the remission of half the wet assessment of such land.

The object of this amendment is to discourage the cultivation of paddy over the whole atchkat when water is in sufficient and to encourage the cultivation of paying crops such as turmeric, ginger or chillies, etc., or irrigated ragi or jola, which

only require an intermittent supply of water. As an additional inducement towards the economical use of water, it was proposed that remission of half wet assessment under the rules should be allowed where such crops are grown.

3. *Section 16* (1).—Omit the first three lines up to “under the tank” and add “where the restoration of a minor tank has been decided on under Regulation XV of 1923.”

4. *Section 18* (1).—The following words may be added on :—
“or where the Tank Panchayet has been constituted under Section 23 of the Village Panchayet Regulation, withdraw such powers”.

Section 18 (2).—The following words may be added after “so abolished”—“or has its powers withdrawn.”

Section 18 (3).—After the words “thus abolished” add :—

“or whose powers have been withdrawn.” The object of paras 3 and 4 is to bring the Tank Panchayet Regulation into line with the new Minor Tank Restoration Regulation and the new Village Panchayet Regulation.

5. The fourth point referred to the Committee, *i.e.*, the utilisation of the proceeds of the Irrigation Cess in the Malnad for the repair and construction of roads was next taken up for preliminary discussion.

It was resolved that information *re* the income and expenditure under the Irrigation Cess Fund in the Malnad Taluks, the road mileages and the mileage grants might be obtained, and the subject discussed further at the next meeting.

6. In view of the fact that the detailed consideration of all the points referred to the Committee, especially the Irrigation Bill, would require time, the Committee feared that it would not be possible to submit the final report before the end of September as required by Government.

It was therefore resolved that Government might be requested to extend the time given to the Committee up to the end of December.

7. It was also resolved that the next meeting of the Committee be held at Mysore during the ensuing Dasara Week.

C. S. BALASUNDARAM IYER,
Revenue Commissioner and Chairman

PROCEEDINGS OF THE THIRD MEETING OF THE IRRIGATION COMMITTEE HELD IN
THE REVENUE COMMISSIONER'S OFFICE, BANGALORE, ON 7TH APRIL 1927.

Present.

1. P. G. D'Souza, Esq., B.A., B.L. (*Chairman*).
2. K. R. Seshachar, Esq., B.A., B.E., C.E.
3. K. V. Anantaraman, Esq., B.A.
4. N. S. Nanjundiah, Esq.

Absent.

1. B. Narasinga Rao, Esq.
2. A. K. Syed Taj Peeran, Esq., B.A.

The following subjects were considered by the Committee:—

1. *Rules re demarcation of hikkals.*—Draft rules in this behalf had been sent up to Government who directed that the matter might be considered by this Committee (*vide* letter No. R. 3155—L. R. 299-25-45, dated 29th November 1926, from the Chief Secretary). The Committee were of opinion that the rules as a whole might be approved; and that no specific legislation was necessary; and that the last rule, *viz.*, Rule 5, might be altered as follows:—

“If it should be found necessary to acquire any extent of land for the purpose of providing a *hikkal* as above, the same will be treated as a public purpose within the meaning of the Land Acquisition Regulation. The cost will be met by Government; and, wherever possible, recovered in whole or in part, from all parties benefited.”

There can be no objection to this, as it is one of the obligatory functions of Government to provide facilities for the due cultivation of land.

2. *Acreage cess for maintenance of channels.*—The next question taken up for consideration was that of the levy of acreage cess for the maintenance of irrigation channels. This subject had come up for discussion at the meeting of the Deputy Commissioners and Heads of Departments held in October 1926 and was referred to the Committee for consideration, by Government.

In that meeting, the Deputy Commissioner of Mysore had stated that all raiyats under channels were not attending to their share of maintenance work; and that, while some of them did the work, others escaped. Many were reported to be willing to pay a cess provided it was collected from all and the work was got done by Government. It was represented that this would ensure not only that all paid the cost, but also that the work was done regularly. It was a point for consideration also, as to whether statutory provision for collecting the cess was necessary.

It was understood from the Special Officer, Krishnarajasagara Works, that proposals in this behalf have already been submitted; and that, so far as the conditions in the Mysore District are concerned, it was desirable to levy an acreage cess, owing to the existence of channels; but that this system was not quite suitable in regard to tanks where it would be much more economical to get the work done by the rayats.

3. *Tenants' responsibility for maintenance of channels.*—The Committee then considered the question of the responsibility of tenants for maintaining channels which had been discussed in the meeting of the Deputy Commissioners in October 1926 and had also been referred to the Committee by Government in their letter No. R. 3443, dated 11th December 1926. As it was understood that it was under consideration to take over the maintenance of these channels to Government, the Committee were of opinion that the necessity to enforce tenants' responsibility separately will not arise.

4. *Conservation of water in tanks in view of drought.*—The Committee next took up for consideration the following three subjects, based on the suggestions for conserving water in tanks in areas liable to drought, which had been sent up by the Revenue Commissioner in his report on the distress relief operations in the State for the year 1923-24 and which had been referred to the Committee by Government in letter No. R. 2639—R. M. 30-26-4, dated 9th November 1926.

(1) Empowering Deputy Commissioners to prevent wet cultivation under selected tanks when a water famine is apprehended.

(2) Question of reducing wet and garden areas under tanks in taluks affected by drought.

(3) Reserving the minimum supply of water in tanks.

All these three questions come as special cases relating to the regulation of water-supply in tanks, etc., which is the first point referred to the Committee in the original terms of reference: and strictly speaking comes within the scope of the proposed Irrigation Bill. The Committee were generally of opinion that as it is proposed to provide for the regulation of the supply of water so as to minimise the area under cultivation, it would be unnecessary to empower Deputy Commissioners specifically to prevent wet cultivation. The Committee were in favour of a proper system by which the minimum supply of water in each tank is retained so as to ensure the retention of sufficient drinking water for men and cattle in bad areas.

5. *Utilisation of Irrigation Cess for roads in Malnad.*—The Committee next took up for consideration the question of the utilisation of the proceeds of Irrigation Cess in the Malnad for repair and construction of roads, which is one of the points originally referred to the Committee. This point had also been urged for consideration by the Kadur Deputy Commissioner separately. The Committee were of opinion that as a general rule, it is not desirable to divert the Irrigation Cess to any other purpose than that of repairs and restoration of tanks. Even in the Malnad, there is a sufficiently large number of tanks on which this cess may be usefully spent; and any grants required for road works should be met from other sources. The tanks are all in a neglected condition and sufficient attention has not been paid to the repairs, etc., and no proper lists have been prepared; and in fact, no correct data are available as regards these tanks. The very fact that the accumulated funds are not being spent on irrigation works in the Malnad Districts, indicated that the obligation as regards tanks there has not been fully realised.

6. *Irrigation Bill.*—The Committee were agreed as to the need for the introduction of Irrigation Bill; but were of opinion that it should as far as possible be based on the Bombay Regulation. The Secretariat files and the Proceedings of the Madras Legislative Council in regard to the introduction of the Irrigation Bill there had been obtained and circulated to all the members. But, they were of opinion that the Madras Bill was of a highly controversial nature and included several issues which did not arise in Mysore at all; and that the Gazette copies of the discussions which led to the introduction of the Bill and subsequent amendments in Bombay should be obtained before any useful criticism could be given.

As this was a measure of far-reaching importance and raises problems of great difficulty, the Committee were not in favour of any hurried consideration of the Bill; but they expected to be able to submit specific recommendations to Government and, if possible, to have draft Bill ready, in time for the next Representative Assembly. They consider that the draft Irrigation Bill now under consideration requires to be simplified and wholly recast.

7. *Saguvali kattes.*—The Committee, of their own motion, took up for consideration the question of the construction of saguvali kattes. They were of opinion that an investigation should be made to ascertain what saguvali kattes have been in existence for over five years; and that steps should be taken to regularise unauthorised construction; and also to prevent future construction. They were of opinion that for this purpose, it would be necessary to make such construction a penal offence by Gazette notification.

P. G. D'SOUZA,
Revenue Commissioner.

No. C. 3256—27-8.
Encl. (Bill with Encls).

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

Dated Bangalore, 18th—23rd February 1928

FROM

P. G. D'SOUZA, Esq., B.A., B.L.,
REVENUE COMMISSIONER IN MYSORE.

TO

*The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.*

SIR,

With reference to your letter No. R. 4718, dated 3rd February 1927, and in continuation of my letter No. C. 3256 of 25-26, dated 9th—13th April 1927, I have the honor to state that the Irrigation Committee constituted by Government in G. O. No. 632-6—L. R. 91-26-1, dated 31st July 1926, has met on two more occasions, viz., 17th December 1927 and 22nd January 1928 to discuss the several questions referred to it. At the meeting held on the 17th December 1927, the draft of the Proceedings of the previous meeting was reconsidered and approved with slight alterations. Mr. B. Narasinga Rao who had objected to the proposal of the Committee that acreage cess may be levied for the maintenance of channels, on the ground that the heavy wet assessment and other cesses levied covered all such charges and imposed an obligation on the part of Government to maintain the channels in an efficient condition, withdrew his objection when it was explained to him that this levy was confined to branch channels whose maintenance devolved upon the raiyats and that it was only a commutation by this obligatory duty into money that was intended by the resolution. The Committee then took up the consideration of the draft Irrigation Bill. In its first sitting, the Committee after a preliminary examination of the provisions of the bill, was of opinion that, while the need for the introduction of an Irrigation Bill was appreciated, the Bill placed before it was one of far-reaching importance and required a thorough recasting with a view to remove objectionable features therein. I therefore prepared a fresh draft of the Bill, excluding therefrom all controversial matters which did not require any special provision being made having regard to our local conditions, and incorporating provisions necessary for a proper regulation of the Irrigation System in the State having in view the practice obtaining in the State with regard to irrigation and the necessity for the introduction of a Bill to regulate the irrigation practice under new works of irrigation that have been started in the State, such as the High Level Canal, the Anjanapur Project, the Bhadra Channels, etc. The Committee discussed the provisions of the Bill, section by section, and proposed certain alterations to be incorporated therein. It also wanted a statement of objects and reasons to be prepared on the lines suggested by it and the Bill with the statement of objects and reasons, to be placed before the next meeting for final approval. In the meeting held on 22nd January 1928, the Committee went through the provisions of the Bill and the statement of objects and reasons and passed them finally for being submitted to Government. As regards the question of the regulation of water-supply in tanks and channels to avoid waste and to ensure its full use for purposes of cultivation referred to the Committee in G. O. No. R. 632-6—L. R. 91-26-1, dated 31st July 1926, the Committee was of opinion that the introduction of the Irrigation Bill would solve this question.

2. It will be seen from the Bill now sent up, that it differs in many important respects from the draft originally prepared, and the Committee have aimed at producing a Bill which while giving Government sufficient powers in regard to new works of irrigation, limits interference in regard to existing works only to the extent admissible according to recognised usage. The pitfalls which wrecked the Madras Irrigation Bill have been carefully avoided.

3. The next question considered was one relating to weed clearing work in the main channels of the Krishnarajasagara ordered to be placed before it in Chief Secretary's letter No. R. 10004—L. R. 505-26-80, dated 4th August 1927. It was resolved that as recommended by the Revenue Commissioner to Government unofficially the clearing of weeds in the main channels should be undertaken at Government cost.

4. Copies of the proceedings of the two meetings together with a copy of the Irrigation Bill as approved by the Committee are submitted herewith.

I have the honor to be,

SIR,

Your most obedient servant,

P. G. D'SOUZA,

Revenue Commissioner.

PROCEEDINGS OF THE FOURTH MEETING OF THE COMMITTEE CONSTITUTED IN
GOVERNMENT ORDER No. R 632-6—L. R. 96-26-1, DATED 31ST JULY 1926,
HELD IN THE REVENUE COMMISSIONER'S OFFICE, BANGALORE, ON 17TH
DECEMBER 1927

PRESENT:

1. Mr. P. G. D'SOUZA, B.A., B.L., Revenue Commissioner (*Chairman*).
2. „ K. R. Seshachar, B.A., B.E., C.E., Chief Engineer and Secretary,
Krishnarajasagara Works.
3. „ K. V. Anantaraman, B.A., Deputy Commissioner, Tumkur.
4. „ B. Narasinga Rao, Pleader, Mysore.
5. „ N. S. Nanjundiah, Pleader, Hassan

ABSENT:

Mr. A. K. Syed Tajpeeran, B.A., Deputy Commissioner, Kolar.

The proceedings of the previous meeting held on the 7th April 1927 were reconsidered as some alterations, etc., had been suggested by some of the members when the draft was sent to them. Mr. B. Narasinga Rao objected to the proposal of the Committee that acreage cess may be levied for the maintenance of channels on the ground that the heavy wet assessment and other cesses levied, covered all such charges and imposed an obligation on the part of Government to maintain the channels in an efficient condition. When it was explained to him that the cess is confined to branch channels and will be in commutation of an existing liability on the part of the holders of land under such channels to maintain them and that the assessment under such channels was fixed at a lower rate, having regard to the water supply and other causes as compared with main channels, he withdrew his objection, but stated that the amount to be levied should be fixed low. The proceedings, with slight verbal alterations as suggested by Mr. K. R. Seshachar, were approved.

2. The Committee next considered the draft Irrigation Bill and the question of Regulation of water-supply in tanks and channels to avoid waste and to ensure its full use for purposes of cultivation (referred to the Committee for consideration in the Government Order of 31st July 1926). As the latter question was inter-mixed with the former, they were of opinion that no separate resolution was necessary on the point. The draft bill that had been prepared before and referred to the consideration of the Committee by Government had been examined by the Revenue Commissioner and had been recast in the light of previous criticism and experience elsewhere to facilitate the work of the Committee. This bill was carefully examined by the Committee, clause by clause, and certain changes were suggested. It was resolved that a revised draft of the bill incorporating the changes suggested by the Committee together with a fresh statement of objects and reasons may be prepared and placed before the Committee for their final approval.

3. The question of weed clearing work in main channels ordered to be placed before the Committee in Chief Secretary's letter No. R. 1004—L. R. 505-26-80, dated 4th August 1927, was next discussed. Opinion had already been furnished by the Revenue Commissioner to Government unofficially that the clearing of weeds in the main channels should be undertaken by Government at their cost. The Committee were also of the same opinion.

P. G. D'SOUZA,
Revenue Commissioner.

PROCEEDINGS OF THE FIFTH MEETING OF THE IRRIGATION COMMITTEE
22nd January 1928.

- (1) The Proceedings of the Fourth Meeting were read and approved.
- (2) The final draft of the Irrigation Bill was considered and approved.

P. G. D'SOUZA,
Revenue Commissioner.

OBJECTS AND REASONS.

This regulation is intended to make provision for certain matters pertaining to irrigation, such as, the construction of water courses (*hikkals*); the regulation of irrigation; the levy of contribution and water rate in respect of new irrigation works; the regulation of customary labour; and the punishment of irrigation offences.

2. Provision is made for giving power to Irrigation Officers to enter upon any land or building for the purpose of inspection, regulation, and maintenance of irrigation works and their protection, in times of danger, etc. (Chapter II).

3. There is at present considerable complaint as regards the distributary channels leading from the main channel. Provision is made in the Bill for the construction of such channels called water courses or *hikkals* after enquiry and for the recovering of the cost from the persons who derive benefit. The obligation of the raiyats to maintain distributary channels is brought within the purview of the regulation as also the power to get it done at Government cost in case of failure on the part of the person bound to do the maintenance work. (Chapter III.)

4. At present, there is no statutory provision for the regulation of irrigation. Matters are at present regulated by *mamool* which is vague. Provision is herein made to systematize the existing practice and also to enable the Government to regulate the distribution of water in times of deficient supply. (Chapter IV.)

5. There is at present no statutory provision as regards the recovery of water-rate and contribution in respect of major irrigation works. Provision is now made for the levy of contribution and water-rate in respect of new works, under certain conditions. (Chapter V.)

6. There is at present no provision for impressment of labour and material in cases of emergency when irrigation works are in danger. This has been now provided for. (Chapter VI.)

7. The existing provisions as regards maintenance work to tanks are incorporated in the bill; and provision is also made for commuting the ~~habit~~ to contribute customary labour into cash payment on defined principles. (Chapter VII.)

8. Provision is made for the punishment for the irrigation offences which are enumerated in detail, by a First Class Magistrate after summary enquiry. (Chapter VIII.)

P. G. D'SOUZA,
Revenue Commissioner.

THE MYSORE IRRIGATION BILL.

Whereas it is expedient to make adequate provision for the proper regulation and control of water, for the levy

of contribution, for the regulation of customary labour, for the punishment of Irrigation Offences and such other matters pertaining to Irrigation as are not adequately provided for in the existing Regulations and Rules, His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called the Mysore Irrigation Regulation.

2. The Government may, by notification in the Official Gazette, extend this Regulation or any portion thereof to any local area or to any class of irrigation works, and may also by a notification exclude any such local area or any such class of irrigation works from the operation of the Regulation or of any portion thereof from such date as may be notified therein:

Provided that all existing rules, regulations, orders or usages having the force of law in so far as they are inconsistent with any of the provisions of this regulation and the rules thereunder, in the areas and with respect to the classes of irrigation works to which the Regulation is extended, are repealed to the extent to which they are so inconsistent.

And provided further that nothing herein contained shall be deemed to affect any acts done or liabilities incurred under the said law, rule or order or usage having the force of laws.

3. In this Regulation, unless there is anything repugnant in the subject or context,

(1) "Irrigation work" includes

- (a) all reservoirs, tanks, canals, channels and pipes constructed, maintained or controlled wholly or mainly by Government for the supply or storage of water;
- b) all works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, canals, channels or pipes and all roads constructed for the purpose of facilitating the construction or maintenance of such canals, channels, tanks, pipes or reservoirs;
- c) all water courses and drainage works as hereinafter defined;
- d) all lands occupied by the Government for the purposes of such canals, channels tanks, pipes, reservoirs, and all buildings, machinery, fences, gates and other erection occupied by or belonging to the Government upon such lands.

(2) "New Irrigation work" means any work of irrigation as defined in clause (1), constructed or completed after this regulation comes into force.

(3) "Water Course" (*hikkal*) means any channel or pipe which is supplied with water from an irrigation work, but which is not maintained at the cost of Government, and all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe.

(4) "Drainage work" includes channels either natural or artificial for the discharge of waste or surplus water and all works connected with or auxiliary to such channels and escape channels from an irrigation work, dam, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion

formed or maintained by the Government either wholly or in part, but does not include work for the removal of sewage.

(5) "Deputy Commissioner" includes any officer appointed by Government to exercise all or any of the powers of Deputy Commissioner under this Regulation.

(6) "Irrigation Officer" shall mean any officer not below the rank of an Assistant Commissioner or an Assistant Engineer appointed by the Government to exercise all or any of the functions of an Irrigation Officer under this Regulation.

(7) "Owner" includes every person having a joint interest in the ownership of the thing specified.

(8) "Labourer" means any person accustomed to manual labour.

4. Government, or subject to such rules as may be made under this Regulation, any Officer whom Government empowers in this behalf, may declare by Notification the Officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

CHAPTER II.

OF THE CONTROL OF WATER AND OF IRRIGATION WORKS.

5. Any Irrigation Officer duly empowered in this behalf and any person acting under general or special orders of such Irrigation Officer may enter upon any land, building or water courses for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby and of doing all things necessary for the proper regulation, maintenance and management of any irrigation or drainage work.

6. In case of any accident happening or being apprehended to any irrigation or drainage work, or in case of any urgency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation or any drainage work and may repair any existing work, construct, any new work or take and utilize any material and take any measures or do anything that may in his opinion be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

7. When an Irrigation Officer proposes under the provisions of the two last preceding sections to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden such reasonable notice as the urgency of the case may allow.

CHAPTER III.

OF WATER COURSES.

8. (1) Any person desiring the construction, extension, improvement, or alteration of a water course may

apply in writing to the Irrigation Officer or other Officer empowered in this behalf, and the said officer shall, after giving such notice and causing such enquiries as may be prescribed in this behalf by rules to be framed by Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or have it constructed, extended, improved or altered, through the Public Works Department, on such terms and conditions as regards payment of costs, time and mode of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be decided upon in each case or reject the application. Against the order of the Irrigation Officer in this behalf, an appeal shall lie, within 30 days from the date of communication of the said order, to the Deputy Commissioner whose decision shall be final.

(2) If it is necessary to acquire any land for the purpose, the Deputy Commissioner of the District will proceed to acquire the same under the provisions of the Land Acquisition Regulation.

NOTE.—A slight amendment is required in the Land Acquisition Regulation to provide for cases when water courses are provided solely at the expense of private parties without any contribution from public funds.

9. No water courses constructed, extended or improved under the provisions of the above preceding section may be altered without the consent of the Irrigation Officer.

10. Every owner or occupier of land which receives a supply of water from a water course shall be bound :—

- (a) to maintain such water course in a fit state of repair ;
- (b) to allow the use of it to any person entitled by reason of an order passed under Section 8.

11. If any owner or occupier land which receives a ~~or~~ supply of water from a water course fails to fulfil any obligation imposed on him by Section 10, any Irrigation Officer duly empowered in this behalf, may require him by notice to execute the necessary work or repair within a period, to be prescribed in such notice, of not less than five days from the date of service of notice and in the case of failure, may execute the same on this behalf, and expenses incurred in the execution of such work or repair shall be recoverable from him as an arrear of land revenue.

CHAPTER IV.

REGULATION OF IRRIGATION.

12. The Deputy Commissioner of a District or other officer specially empowered by Government in this behalf shall have power to regulate in respect of any irrigation work,

- (1) the time for letting out water for irrigation,
 - (2) the period during which the supply should be confined, and
 - (3) the quantity of the supply,
- after holding such enquiry as is provided for by rules to be framed in this behalf by Government and such regulation shall be final and shall remain in force for a period of ten years from the date of the order.

13. Every person desiring to have a supply of water from a new irrigation work coming under the operation of this Regulation, shall submit a written application to that effect to an Irrigation Officer duly empowered to receive such applications in such form as shall, from time to time, be prescribed by Government in this behalf. If the application be for the supply of water for irrigation, the supply may be granted for such period and on such terms as may be prescribed by rules to be framed in this behalf by Government.

If the application be for a supply of water to be used for purposes other than those of irrigation, the irrigation officer may, with the sanction of Government, give permission for water to be taken for such purposes under such special conditions and restrictions as to limitation, control and measurement of the supply as he shall be empowered by Government to impose in each case.

14. The supply of water to any water course or to any person who is entitled to such supply shall not be stopped except :—

- (a) Whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority ;
- (b) Whenever and so long as any water course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom ;
- (c) Whenever and so long as it is necessary to do so in order to supply in rotation the legitimate demand of other persons entitled to water ;
- (d) Within periods fixed from time to time by an Irrigation officer duly empowered in this behalf, of which due notice shall be given ; and except in the manner provided in the following section.

15. An Irrigation Officer shall in any year having regard to the quantity of water available in any irrigation work under his control determine the portion out of all or any of the wet lands in the irrigable area of such irrigation work, to be cultivated with irrigated crops and regulate the supply of water accordingly:

Provided that if any land assessed as wet is not supplied with water for irrigation, the holder of such land shall be entitled to remission of half the assessment on such land.

An appeal shall lie from the order of the Irrigation Officer in this behalf, within 30 days from the date of the order to the Deputy Commissioner, whose decision shall be final.

16. All rights to the supply from an irrigation work, of water to any land, building or other immoveable property shall be transferable therewith, and shall be presumed to have been so transferred whenever a transfer of such land, building or other immoveable property takes place.

No person entitled to the use of any work or land appertaining to any irrigation work or to use the water of any irrigation work shall sell or sublet or otherwise transfer his right to such use without the permission of the Irrigation Officer duly empowered to grant such permission.

CHAPTER V.

OF THE CONSTRUCTION AND MAINTENANCE OF
IRRIGATION WORKS ON SPECIAL TERMS.

17. Whenever it appears to the Government that the construction or improvement of an irrigation work in any local area is not likely to be remunerative unless on the lands irrigable by such work, payment of an acreage contribution or water-rate or both, at certain specified rates to be fixed in accordance with rules to be framed in this behalf is guaranteed, the Government may direct the Deputy Commissioner or other Officer to make an enquiry whether it is desirable to undertake the construction or improvement of the work.

18. The Deputy Commissioner or other Officer appointed to make the enquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than 30 days after the last date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction or improvement, an estimate of the capital or recurring expenditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area) and the rates at which it is proposed to levy contribution and water-rate in respect of the land within the benefited area, and shall invite the holders of such lands to submit any objections or suggestions that they may desire to make on or before a date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the enquiry.

19. If the Deputy Commissioner or other officer appointed to make the enquiry after considering any objections or suggestions duly submitted and evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area give their consent in writing to such construction or improvement and to the payment of the proposed contribution or water-rate or both, he shall embody his proceedings in a report to be submitted to the Government and shall also forward a statement of objections and suggestions presented to him with any remarks that he may desire to make in respect of them.

20. Upon receipt of the report referred to in the previous section, the Government may after such further enquiry, if any, as may appear to them necessary, either abandon the scheme, or proceed with it in its original form or with such modifications as they may consider necessary, provided that where the modifications involve a substantial increase in the benefited area or in acreage contribution or the water-rate to be imposed, the provisions of Sections 18 and 19 shall apply to the altered scheme.

21. (i) The scheme as finally approved by the Government shall be published in the *Mysore Gazette*, and it shall embody the following particulars:—

- (a) a specification of the work which it is proposed to construct or improve and an estimate of the capital or recurring expenditure involved thereby;

- (b) the estimated time required for the completion of the work ;
 - (c) a description of the benefited area :
 - (d) the rates at which contribution will be recovered in respect of the lands benefited by the irrigation work ;
- Provided that in no case shall the contribution to be levied exceed half the difference between the value of the wet and dry lands in the locality ;
- (e) the rates at which water rate will be imposed on the lands in the benefited area, such rates being liable to periodical revision at intervals of not less than ten years each ; and
 - (f) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

(ii) The publication under Sub-section (1) of a Scheme as approved shall be conclusive proof that any consent recorded therein has been duly obtained.

22. After the scheme has been carried out, the Deputy Commissioner may, subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land within the benefited area contribution or water-rate or both at the rates prescribed in Section 21, clauses (d) and (e).

Provided that the Deputy Commissioner may exempt from charge any land in the benefited area on the ground that it is unable to derive any benefit from the irrigation work.

CHAPTER VI.

OF OBTAINING LABOUR AND MATERIALS ON EMERGENCIES.

23. (i) Whenever it appears to an Irrigation Officer or in his absence the Amildar of the Taluk that unless some work or repair is immediately executed such serious damage will happen to any irrigation or drainage work as would cause sudden and extensive public injury,

or that unless some clearance of an irrigation or drainage work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss will occur,

and that the labourers necessary for the proper execution of such repair, clearance of work cannot be obtained in the ordinary manner within the time that can be allowed for the execution of the same so as to prevent such injury or loss,

it shall be lawful for such officer to require the patel or patels of the village or villages in the vicinity to call upon all or any of the labourers who reside or hold land in the vicinity of the locality where such repair, clearance or work has to be executed to assist in the execution of such repair, clearance or work by labouring thereat as such officer or other person authorised by him in this behalf may direct.

(ii) Such officer or any person authorised by him in this behalf may also enter into and upon any immovable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees or bamboos whether standing or not and any timber, mats, ropes, straw, earth, stones, or other materials found in or upon such property and use the same for the purposes of such repair, clearance or work.

(iii) Every person authorised as mentioned in this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(iv) Any labourer being duly called upon by the head of his village to labour as aforesaid who shall refuse or neglect to comply with such call as provided in clause 1, para 4 of this section and proviso thereunder without any lawful excuse shall on conviction before a Magistrate be punished with a fine which may extend to one hundred rupees or with simple imprisonment which may extend to one month or with both.

24. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under Section 23 or whose materials may be taken under that section shall, as soon as may be reasonably practicable and in any case not exceeding a fortnight from the date of such impressment, be paid by the Irrigation Officer, for their labour and detention or for such materials at 25 per cent in excess of the rates for the time being, prevailing in the neighbourhood. If the persons are required to work or are detained at night, they shall be paid at double such rates.

25. Whenever as a result of the removal, under Section 23, of any trees, bamboos, earth, stone or other materials, any damage and over above the price payable for such materials results directly to any person, the Irrigation Officer shall pay to such person a reasonable amount of compensation for such damage, as per rules to be framed in this behalf by Government.

26. Against the order of the Irrigation Officer, an appeal shall lie under Sections 24 and 25, within 30 days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

CHAPTER VII.

OF CUSTOMARY LABOUR.

27. (i) The provisions of this Chapter apply to the following irrigation and drainage works :—

- (a) All river and spring channels ;
- (b) All tanks ;
- (c) All feeder channels connected with tanks ;

(ii) It shall be lawful for the Government by an order to declare, in respect of all or any of the aforesaid works in any locality, that the customary labour referred to in Section 28 hereunder need not be performed either wholly or in part or that in lieu of the customary labour a flat rate per acre of holding be levied on the persons bound to perform the labour. Such order may at any time be cancelled or modified by the Government.

28. Every occupier of land, irrigated or drained by any irrigation or drainage work, as well as inhabitants of the village or villages and all others who derive any benefit, directly or indirectly, from the work shall perform in respect of such work without payment the following customary labour :—

- (a) Filling up gullies, cracks, ruts and holes ;
- (b) Removing any rank growth or pernicious weed ;
- (c) Clearing away such underwood as may be considered by the Irrigation Officer to be injurious ;
- (d) Clearing sand or silt from sluices and branch channels and repairing the earth work of petty and branch channels and clearing away the accumulation in sluices and in all channels

issuing from tanks, which obstruct the flow of water to the fields;

- (e) Maintaining the bund to the standard level and with the slopes specified;
- (f) Keeping in order the feeder channels of tanks;
- (g) Watching the bunds of all tanks during rainy weather, turbing the parts acted on by the waves, helping in opening and closing the sluice, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation.—All land forming part of the registered or recognised atchkat of an irrigation work shall be deemed to be land irrigated by such work, within the meaning of this section.

29. It shall be the duty of the patel of every village to see that the customary labour in respect of any irrigation or drainage work situated in the village or villages in his charge is duly performed, and he will be held primarily responsible for keeping the work in an efficient condition.

30. If during the execution of customary labour any person who is bound to contribute labour towards such work, neglects or refuses to do so, the patel may employ hired labourers for the performance of the labour which such person is bound to contribute.

31. If such work is neglected, the patel shall report the matter to the Irrigation Officer who shall call upon the patel or patels of the village or villages in which the persons bound to do the work ordinarily reside or the land so irrigated or drained is situate to publish by beat of drum requiring such persons to carry out the work by a certain date; on their failure to comply with the requisition within the appointed time, the Irrigation Officer may cause the work to be done by hired labour.

32. The quantum of labour which each person liable under Section 28 is bound to contribute towards the performance of customary labour, and the proportionate share of labour for each village where an irrigation or drainage work serves more than one village shall be determined in accordance with rules to be framed by the Government in this behalf.

33. Whenever any person who is bound to contribute labour towards the performance of customary labour neglects or refuses without sufficient and reasonable cause so to contribute, the Irrigation Officer may levy from such person a sum not exceeding twice the value of the labour which such person is bound to contribute and such amount shall be recoverable as an arrear of land revenue.

Against the order of the Irrigation Officer, an appeal shall lie, within 30 days of the date of the order, to the Deputy Commissioner, whose decision shall be final.

34. No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with under the provisions of this chapter.

CHAPTER VIII.

PENALTIES.

35. (i) Whoever voluntarily and without proper authority damages, alters, enlarges or obstructs any irrigation or drainage work;

(ii) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any irrigation or drainage work or does any act which renders such irrigation or drainage work less useful than is intended for the purpose for which it was constructed;

(iii) opens, shuts or obstructs, or attempts to open shut or obstruct, any sluice in any irrigation work;

(iv) corrupts, or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used;

(v) destroys, defaces or moves any land or level mark or water guage fixed by the authority of a public servant;

(vi) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work;

(vii) causes animals or vehicles to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under Section 43.

(viii) causes or permits animals to graze or be tethered upon the bank or border of any irrigation or drainage work;

(ix) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation or drainage work;

(x) puts up a dam across or otherwise obstructs the free course of water, the right to which vests in Government;

(xi) violates any rule made under Section 43 for breach whereof the Government in such rules, direct that a penalty may be incurred; and

(xii) Whoever being responsible for the use and maintenance of a water course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner or prevents or interferes with the lawful use of such water course by any person authorised to use the same under Section 8;

shall be deemed to commit an offence under this Regulation and shall, on conviction after a summary trial before a First Class Magistrate specially empowered in this behalf, be punishable for each such offence with fine which may extend to one hundred rupees.

36. When any person is convicted of an offence under Section 35, or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work, the convicting Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water guage or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period, so fixed, any Irrigation Officer duly empowered in this behalf may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

37. Whenever any Magistrate imposes a fine upon any person for any offence under this Regulation, he may direct that the whole or any part of such fine may be paid

by way of compensation to any person or persons injured by such offences.

38. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this regulation.

Provided that no person shall be punished twice in respect of one and the same act or omission.

39. Any person in charge of or employed upon any irrigation work may remove from the lands or building belonging thereto any person who within his view

- (i) wilfully damages, obstructs, or fouls any irrigation work, or
- (ii) without proper authority interferes with the supply or flow of water in or from any irrigation work in any river or stream so as to endanger, damage, make dangerous or render less useful any irrigation work;

and may, if the name and address of the person be unknown or if he refuses to give his name or address or gives a name or address which such officer has reason to believe to be false, arrest him without a warrant and take him forthwith before a Magistrate or to the nearest Police Station to be dealt with according to law.

CHAPTER IX.

MISCELLANEOUS.

40. Every order passed by an Irrigation Officer under Sections 8 and 13 shall be appealable to the Deputy Commissioner.

Provided that the appeal be presented within 30 days from the date on which the order appealed against was communicated to the appellant.

All orders and proceedings of a Deputy Commissioner under this Regulation shall be subject to revision by Revenue Commissioner and Government.

41. Any Officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, and every such enquiry shall be deemed a judicial proceeding.

42. Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the Officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person named therein. When such person cannot be found, the service may be made on any adult male member of his family residing with him, and if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and if such person has no ordinary place of residence within the village service of any notice may be made by sending a copy of such notice by post in a registered cover addressed to such person at his usual place of residence and if the place of residence is not known by affixing it in the chavadi of the village to which the action relates.

43. Government may, from time to time, make rules not inconsistent with this regulation to regulate the following matters:—

- (a) the proceedings of any officer who under any provision of this regulation, is required or empowered to take action in any matter ;
- (b) the cases in which, the officers to whom and the time and conditions subject to which orders and decisions given under any provision of this regulation and not expressly provided for as regards appeal, shall be appealable ;
- (c) the person by whom the time, place or manner at or in which, anything for the doing of which provision is made in this regulation shall be done ;
- (d) the amount of any charge to be made under this Regulation ;
- (e) Matters falling under Sections 8 and 12 and generally to carry out the provisions of this Regulation.

Government may from time to time alter or cancel any rules so made.

Such rules, alterations and cancellations shall not have the force of law until they are published in the official Gazette and objections thereto are duly considered.

P. G. D'SOUZA.
*Revenue Commissioner
 and Chairman, Irrigation
 Bill Committee.*

Section

File No.

Serial No.

Diary No. of letter replied to.....

No.

P 1159(1)

To

The Superintendent
and Printing

General and Revenue Secretariat

()

the

193

Sir,

Date of issue.....

24/8/31

Signed by.....

M. C. S.

*
to be directly into
the printed copies

I am directed to forward herewith in original the proceedings of the meeting of the S.C. to consider the system of irrigation and to request that no copies may directly be got printed and sent to this office before the 27th inst.

I have etc

List of enclosures.....

Copied by.....

Examined by.....

Done
24/8

cc
see to the S.C.
for see to the
Cm. B. G.
24/8/31

Select Committee to consider the Mysore
Irrigation Bill, held on 1.14 August 1931

The Select Committee met at 1 P.M.,
with Rajamantrapravina K. Matthan, B.A.,
Offg. First Member of Council, in the
Chair.

All the members except Dr. Coleman, and
all the six invitees from the Representa-
tive Assembly were present.

The proceedings of the third meeting
had been printed and circulated to the
members, and they were adopted.

After a prolonged discussion, clause
13 was adopted subject to the insertion of
a provision that rules to be framed in
respect of water rates for supply of water
from irrigation works ^{constructed as} ~~costing~~ an outlay
of less than one lakh of rupees and not
coming under Chapter V of this Regula-
tion, should be in conformity with the
provisions of the Land Revenue Code and
Rules thereunder.

The following may be inserted ^{at the} ~~as~~

See para 2:-

"proposed that to"

the supply of
"Rates leviable for water supplied
for ~~purposes of~~ irrigation from new
irrigation works ~~costing an outlay of~~
less than one lakh of rupees and not
coming under Chapter V of this Regu-
lation shall be ~~determined by rules~~ *fixed*
to be framed by the Government in con-
formity with the provisions of the
Land Revenue Code and ^{the} Rules thereunder."

*Constructed as an
article 7*

falling

Or,

Add the following words at the end of

"provided that in the case of irrigation works costing an outlay of less than one lakh of rupees and not falling under Chapter V of this Regulation, rules to be framed for fixing water rates shall be in conformity with the provisions of the Land Revenue Code and Rules thereunder."

In clause 14, the following changes were suggested:-

(i) The marginal note to be altered into "Supply of water not to be stopped except under certain circumstances";

(ii) Insert, after para (b), the following as para (c):-

"(c) Whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water."

(iii) Change the present clause (c) into clause (d).

In clause 15, it was decided that, instead of the first para of this clause, a clause on the lines of Section 15 of the Tank Panchayet Regulation, with suitable alterations, be substituted.

Regarding para 2 it was agreed that the period of preferring an appeal should count from the date of the service of the order and that a further appeal should be allowed as in the case of clause 8.

There was a difference of opinion regarding the quantum of remission, some desiring that it should be more than half, and it was decided by a majority that it should be one-half of the assessment. (Some of the coopted members of the Representative Assembly were against this decision.)

The clause would read as follows:-

(1) "An irrigation officer specially empowered by Government in this behalf,

day, in any year, having regard to the quantity of water available in any irrigation work under his control.

(a) determine the portion of the wet lands in the irrigable area of such irrigation work to be cultivated with wet crops, or with dry or semi-dry crops, and regulate the supply of water for irrigation accordingly,

(b) select a compact and suitable block as near to the sluice of the irrigation work as possible and parcel it out among the different raiyats who may be desirous of growing sugar-cane on such terms as regards the rent or share of the produce to be paid to the holder or holders of the lands comprised within the block as may appear to him to be reasonable and as may be agreed to by such holder or holders.

(2) No such power as is referred to in sub-section (1) shall be conferred on an irrigation officer in regard to any irrigation work under his control except with the consent of a majority of not less than two-thirds of the raiyats and holding in the aggregate not less than two-thirds of the occupied area of wet lands under such irrigation work.

(2) If, in a decision of the irrigation officer under clause (a) of sub-section (1), any land assessed as wet is not supplied with water for raising wet crops, the holder of such land shall be entitled to remission of ^{one} half the assessment of such land. *2*

Against the order of the irrigation officer under this section, an appeal shall lie within thirty days from the date of the service of the said order, to the Deputy Commissioner of the District, and as against his decision, a second appeal shall lie within ninety days from the date of the service of this order, to the Revenue Commissioner whose decision shall be final."

It was the general opinion that Government may be requested to provide, in the rules to be framed by them, that the irrigation officer may exercise the powers under this Section in consultation with ^(where such exist) Panchayets or Special ^{Muzafars} Committees to be formed for the purpose.

tion 13. In the rules to be framed under Section 13, one of the terms should be that the supply of water will be subject to the powers of the Irrigation Officer under Section 15.)

Clause 16.-

Para 1 of this clause was approved.

In respect of para 2, the following amendments were suggested:-

(i) Insert "any work or" between the words "use of" and "land" in the first line, and

(ii) Add the following words at the end of the para:-

"except when such right is transferred with the land, building or other immovable property having such right."

Chapter V.

In the heading of this Chapter, the alteration of the word "maintenance" into "improvement" was suggested.

The following changes were suggested in clause 17:-

(i) omit "is not likely to be remunerative" and substitute "cannot be undertaken";

(ii) omit "an" in "payment of an acreage"; and add "a specified" between "payment of" and "acreage";

(iii) omit the words "in accordance with such rules as may be framed by the Government."

of the Committee

It was the opinion that in regard to

irrigation works costing less than Rs.25,000

The Govt should also retain
the powers exercised and the procedure

then
adopted by the Government at present in

undertaking such works should remain, and

that this may be made clear in the clause. *itself*

*the present procedure
of taking up such work
without payment of
contribution or on
payment of voluntary
contribution should be
continued*

C.F.

The following may be added as para 2:-

"Nothing contained in this chapter shall be deemed to affect any of the powers - vested in Government under all existing Regulations, Rules, Orders, or usages having the force of law in regard to the construction and maintenance of Irrigation Works."

Or,

"Nothing contained in this chapter shall be deemed to preclude Government from undertaking the construction and ^{improvement} ~~maintenance~~ ^{or} of Irrigation Works ~~in accordance~~ with existing Regulations, Rules, orders, or usages having the force of law."

will not receive
contribution or after
recovery of ~~contribution~~
contribution as a
mandatory basis from the
beneficiaries."

Abstract of the Proceedings of the fourth meeting of the Select Committee continued on the second day, 10th August 1931.

All the members of the Committee ~~including Dr. Coleman~~, and all the Co-opted members of the R.A. except Mr. ~~H~~ Nanjundaraj Urs., were present.

Clause 17:- The following modifications were suggested in addition to those made on the first day.

Substitute "shall" for 'may' where it occurs for the second time in that clause.

the Committee
It was the opinion that Govt. should have the power to dispense with the elaborate procedure enacted in this chapter in cases of smaller works or where people come forward with voluntary contributions. It was ~~therefore~~ ^{finally} resolved that a para as follows should be added:-

"The Govt. may by notification in the official Gazette declare that the provisions of this section shall not apply to the construction or improvement of any ~~particular~~ Irrigation work or any class of Irrigation works."

It was also agreed that a unanimous recommendation should be made to the Govt. to exempt ~~minor~~ tanks costing Rs. 25,000 or less from the provisions of this Chapter.

There was discussion as to what the term "Improvement" in this section meant and it was decided to add an

The point _____

which was discussed on the previous day was for the amended

explanation to the following effect-

"Improvement in this chapter means only such improvement of an Irrigation Works as will enhance the supply of water available therein for Irrigation.

The question arose whether the enhance-
ment in supply should be in comparison with
the supply existing at the time of the
undertaking of the improvement or in com-
parison with the original supply as it was
at the time of the construction of the
Irrigation Works. The latter proposition
was urged by some but it was not carried.
The clause as amended would run as follows:-

"Whenever it appears to the Govt.
that the construction or improvement of an
Irrigation work in any ^{local} area cannot be
undertaken unless, on the lands - le
by such work, payment of a specified
acreage contribution or water rate or both,
is guaranteed, the Govt. shall direct the
Dy. Commr. or any other officer appointed
by them in this behalf to hold an enquiry
in the manner hereinafter provided.

⊗ Explanations- 'Improvement in this
chapter means only such improvement of an ir-
rigation Work as will enhance the supply
of water available therein for irrigation."

Clauses 18, 19 and 20 were approved.

Clause 21. In sub-clause (2) it
was decided to alter the word 'one half'
into 'one third' *in amendment the*
with rule
The periodical revision of water rate
provided for sub clause (3) was the --

"The Govt. may by notifica-
tion in the official Gazette
declare that the provisions
of this section shall not
apply to the construction or
improvement of any irriga-
tion work or any class of
irrigation works."

Belur Srinivasalingar suggested that there should be no enhancement of water rate except by mutual consent. This was put to vote and lost. Mr. H.C. Dasappa proposed a proviso as follows:-

'Provided the revised water rate and the assessment together do not exceed the water assessment prescribable according to the rules under the Land Revenue Code'. This found no support.

Ultimately it was resolved to modify the Sub Clause as follows:-

'The Water rate referred to in clause of sub section (1) shall be liable to revision after the expiry of a period of ^{ten} ~~not less than 10~~ years and thereafter at intervals of not less than 15 years.'

It was also decided to ^{make} ~~submit~~ a recommendation to Government that the rate of increase should not exceed 25% and that a provision to this effect should be inserted in the Rules to be framed.

Clause 22 was approved.

Chapter VI. It was decided to delete from this Chapter the provisions relating to ~~impressment~~ impressment of materials in ~~xxx~~ emergencies. The words 'and of materials' in the heading of the Chapter are to be omitted.

Clause 23. Omit 'and materials' in the marginal note.

Consistently with the decision arrived at the first and third meetings, it was decided to replace the word 'labourers' in para (4) of sub clause (1) by the words 'able bodied male persons'

Sub clause (ii) was decided to be deleted.

Clause 24. The following changes were made:- (i)

(i) Omit the words 'or whose materials may be taken under this section'

(ii) Omit the words 'or for such material'

Clause 25 was deleted.

A new clause was added on the lines of section 60 of the Bombay Act. ~~200~~ This will be numbered as clause 25. It is as follows:

Reports to be made
by Irrigation Officer.

"An order made under section 23 shall be immediately reported to the Dy. Commr. for the information of the Rev. Commr. ~~the Chief Engr. for irrigation and the Govt.~~"

In clause 26 the words "or section 25" were deleted. // As several non-official members expressed inconvenience to meet on the following day it was decided to meet ^{2nd September 1937} ~~and the following~~ again on the ~~XXXXXX~~ and ~~XXXXXX~~ September ^{days} and to finish the consideration of the Bill.

Ca

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26/9/37

501. C. Subramanyam
Secretary to the Select
Committee.

PROCEEDINGS OF THE FOURTH MEETING OF THE SELECT
COMMITTEE TO CONSIDER THE MYSORE IRRIGATION BILL,
HELD ON 17TH AUGUST 1931.

The Select Committee met at 1 P.M., with *Rajamantrapravina* K. Matthan, B.A., Officiating First Member of Council, in the Chair.

All the members except Dr. Coleman, and all the six invitees from the Representative Assembly were present.

The proceedings of the third meeting had been printed and circulated to the members, and they were adopted.

After a prolonged discussion, clause 13 was adopted, subject to the insertion of a provision that rules to be framed in respect of water rates for supply of water from irrigation works, constructed at an outlay of less than one lakh of rupees and not coming under Chapter V of this Regulation, should be in conformity with the provisions of the Land Revenue Code and Rules thereunder.

The following may be inserted at the end of para 2:—

“ Provided that the rates leviable for the supply of water for irrigation from new irrigation works constructed at an outlay of less than one lakh of rupees and not falling under Chapter V of this Regulation shall be fixed in conformity with the provisions of the Land Revenue Code and the Rules thereunder.”

In clause 14, the following changes were suggested:—

- (i) The marginal note to be altered into “Supply of water not to be stopped except under certain circumstances;”
- (ii) Insert, after para (b), the following as para (c):—
“ (c) whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water.”
- (iii) Change the present clause (c) into clause (d).

In clause 15, it was decided that, instead of the first para of this clause, a clause on the lines of Section 15 of the Tank Panchayet Regulation, with suitable alterations, be substituted.

Regarding para 2, it was agreed that the period for preferring an appeal should count from the date of the service of the order and that a further appeal should be allowed as in the case of clause 8.

There was a difference of opinion regarding the quantum of remission, some desiring that it should be more than half, and it was decided by a majority that it should be one-half of the assessment. (Some of the co-opted members of the Representative Assembly were against this decision.)

The clause would read as follows:—

(1) “An Irrigation Officer specially empowered by Government, in this behalf, may, in any year, having regard to the quantity of water available in any irrigation work under his control determine the portion of the wet lands in the irrigable area of such irrigation work to be cultivated with wet crops, or with dry or semi-dry crops, and regulate the supply of water for irrigation accordingly.

(2) If, in accordance with a decision of the Irrigation Officer under sub-section (1), any land assessed as wet is not supplied with water for raising wet crops, the holder of such land shall be entitled to remission of one-half of the assessment of such land.

Against the order of the Irrigation Officer under this section, an appeal shall lie within thirty days from the date of the service of the said order, to the Deputy Commissioner of the District, and as against his decision, a second appeal shall lie within ninety days from the date of the service of this order, to the Revenue Commissioner whose decision shall be final."

It was the general opinion that Government may be requested to provide, in the rules to be framed by them, that the Irrigation Officer may exercise the powers under this section in consultation with Tank Panchayets (where such exist) or Special Irrigation Committees to be formed for the purpose.

(NOTE.—This section as amended will not be inconsistent with section 13. In the rules to be framed under section 13, one of the terms should be that the supply of water will be subject to the powers of the Irrigation Officer under section 15.)

Clause 16.—Para 1 of this clause was approved.

In respect of para 2, the following amendments were suggested:—

- (i) Insert "any work or" between the words "use of" and "land" in the first line, and
- (ii) Add the following words at the end of the para:—
"except when such right is transferred with the land, building or other immovable property having such right"

CHAPTER V.

In the heading of this Chapter, the alteration of the word "maintenance" into "improvement" was suggested.

The following changes were suggested in clause 17:—

- (i) omit "is not likely to be remunerative" and substitute "cannot be undertaken";
- (ii) omit "an" in "payment of an acreage"; and add "a specified" between "payment of" and "acreage";
- (iii) omit the words "in accordance with such rules as may be framed by the Government."

It was the opinion of the Committee that in regard to irrigation works costing less than Rs. 25,000 the present procedure of taking up such works without payment of contribution or on payment of voluntary contribution should be continued.

The following may be added as para 2:—

"Nothing contained in this chapter shall be deemed to preclude Government from undertaking the construction and improvement of any Irrigation Work without recovery of contribution or after recovery of contribution on a voluntary basis from the persons benefited."

ABSTRACT OF THE PROCEEDINGS OF THE FOURTH MEETING
OF THE SELECT COMMITTEE CONTINUED ON THE SECOND
DAY, 18TH AUGUST 1931.

All the members of the Committee, and all the Co-opted members of the Representative Assembly except Mr. H. Nanjundaraj Urs, were present.

Clause 17.—The following modifications were suggested in addition to those made on the first day.

Substitute “shall” for ‘may’ where it occurs for the second time in that clause.

The point that Government should have the power to dispense with the elaborate procedure enacted in this chapter in cases of smaller works or where people come forward with voluntary contributions which was discussed on the previous day was further examined. It was finally resolved that a para as follows should be added :—

“The Government may by notification in the *Official Gazette* declare that the provisions of this section shall not apply to the construction or improvement of any irrigation work or any class of irrigation works.”

It was also agreed that a recommendation should be made to the Government to exempt tanks costing Rs. 25,000 or less from the provisions of this Chapter.

There was discussion as to what the term “Improvement” in this section meant and it was decided to add an *Explanation* to the following effect :—

“Improvement in this chapter means only such improvement of an irrigation work as will enhance the supply of water available therein for irrigation.”

The question arose whether the enhancement in supply should be in comparison with the supply existing at the time of the undertaking of the improvement or in comparison with the original supply as it was at the time of the construction of the Irrigation Works. The latter proposition was urged by some but it was not carried. The clause as amended would run as follows :—

“Whenever it appears to the Government that the construction or improvement of an Irrigation Work in any local area *cannot be undertaken* unless, on the lands Irrigable by such work, payment of a *specified* acreage contribution or water rate or both, is guaranteed, the Government *shall* direct the Deputy Commissioner or any other officer appointed by them in this behalf to hold an enquiry in the manner hereinafter provided.

“The Government may by notification in the *Official Gazette* declare that the provisions of this Section shall not apply to the construction or improvement of any irrigation work or any class of irrigation works.”

Explanation.—“Improvement in this Chapter means only such improvement of an irrigation work as will enhance the supply of water available therein for irrigation.”

Clauses 18, 19 and 20 were approved.

Clause 21.—In sub-clause (2) it was decided to alter the word ‘one-half’ into ‘one third’ in accordance with the existing rule.

The periodical revision of water rate provided for in sub-clause (3) was the subject of a lengthy discussion. Mr. Belur Srinivasaiengar suggested that there should be no enhancement of water rate except by mutual consent. This was put to vote and lost. Mr. H. C. Dasappa proposed a proviso as follows :—

‘Provided the revised water rate and the assessment together do not exceed the wet assessment prescribable according to the rules under the Land Revenue Code.’ This found no support.

Ultimately it was resolved to modify the sub-clause as follows:—

“The water rate referred to in clause (e) of sub-section (1) shall be liable to revision after the expiry of a period of ten years and thereafter at intervals of not less than fifteen years.”

It was also decided to make a recommendation to Government that the rate of increase should not exceed 25 per cent and that a provision to this effect should be inserted in the Rules to be framed.

Clause 22 was approved.

CHAPTER VI.

It was decided to delete from this Chapter the provisions relating to impressment of materials in emergencies. The words ‘and of materials’ in the heading of the Chapter are to be omitted.

Clause 23.—Omit ‘and materials’ in the marginal note.

Consistently with the decision arrived at the first and third meetings, it was decided to replace the word ‘labourers’ in para (4) of sub-clause (1) by the words ‘able bodied male persons.’

Sub-clause (ii) was decided to be deleted.

Clause 24.—The following changes were made:—

(i) Omit the words ‘or whose materials may be taken under this section.’

(ii) Omit the words ‘or for such materials.’

Clause 25 was deleted.

A new clause was added on the lines of section 60 of the Bombay Act. This will be numbered as clause 25. It is as follows:—

“An order made under section 23 shall be immediately reported to the
Reports to be made by Irrigation Officer. Deputy Commissioner.

In clause 26 the words “or section 25” were deleted.

As several non-official members expressed inconvenience to meet on the following day, it was decided to meet again on the 2nd September 1931 and the following days to finish the consideration of the Bill.

C. SUBRAMANYA AIYAR,
Secretary to the Select Committee.

No. 9

138

OFFICE OF THE SECRETARY, LEGISLATIVE COUNCIL.

Dated Bangalore.....192.....

No.....

OFFICIAL MEMORANDUM.

To

Hon. Mr. H. S. Hanumanth

Member, Mysore Legislative Council.

A meeting of the Select Committee to consider the bill *Mysore Irrigation Bill*

will be held in the *Chambers of the first Member of Council* at *1 P.M.* on *Wednesday the 2nd of September* the *3rd September* 1921 *at the morning days till the bill is fully considered.*

Copy to:-

- 1. Office for making the seating & lunch arrangements as on the previous occasion

- 2. P.A. to the Member
- 3. D.A. & d.C. Office.

By Order, *Secretary, Mysore Legislative Council*

WD 2284-200-3-9-24

24/8

Personnel of the Committee to consider the
Mysore Irrigation Bill.

=====

Chairman: Rajamantrapravina K. Matthan, B.A.,

Members:

Messrs. 1. S. P. Rajagopalachari.

2. Dr. L. C. Coleman.

3. K. R. Seshachar.

4. D. Sreenivasaiengar.

5. N. Rama Rao.

6. K. R. Sreenivasa Iyengar.

7. B. K. Garudachar.

8. H. C. Dasappa.

9. M. G. Rangaiyya.

10. H. B. Gundappa Gowda.

11. Belur Srinivasa Iyengar.

12. D. H. Chendrasekharaiya.

Invitees from R.A.

1. Chengalroya Reddy.

2. D. S. Mallappa.

3. Nagappa Setty.

4. J. Mahomed Imam.

5. Nanjundaraj Urs.,

6. B. Gopalachar.

Invitation to Mr. ~~Mad~~ not in issue,
if appd, since he ~~will~~ become member of Council
and it may be necessary to appoint under
S.C. 51 Mr. S. ~~Pranannaya~~ the new ~~Rep~~ ~~Comm~~
to the R. C.

Done
7/8/31

Need not be sent
now
6/7/8/31

SUBJECT:

Section

File No.

Serial No.

Diary No. of letter replied to

No.

1311-28(V)

To

The Members of the S.C.
Flag V

General and Revenue Secretariat

()

he

193

Date of issue

29/8/31

Signed by

M. C. S. S.

(Res. Shaulish
Sent at once
A)

Sir,

I am directed to forward herewith a copy of the Proceedings of the meetings of the S.C. ~~working for the~~ to consider the Hyderabad Irrigation Bill passed on 17th & 18th Aug 1931. I remain etc.

A

List of enclosures

Copy to the S.C.

Copied by

Done
27/8

one copy to P.A. to the Member

Examined by

SUBJECT

Section

File No.

Serial No.

Diary No. of letter replied to

No.

1547-58 (1)

To

The Member No 6 684

General and Revenue Secretariat

()

the

193

Sir,

Date of issue

11/9/31

I am directed to forward herewith a certificate of your attendance at the meetings of the S. & C. Commission on the Irrigation Bill held on the 2nd & 3rd Sept 1931 in the P. C. Bangalore

Signed by

M. R. R.

I have etc

List of enclosures

Copied by

9/9

9/9

9/9

See to the S. & C.

9/9/31

Examined by

142

Dated, Bangalore,.....

CERTIFICATE OF ATTENDANCE.

Price

held on 2nd & 3rd Sept 1931 as a member thereof in the chambers of the
 first member of Council P.O. Bangalore

Pr
a/q

personnel of the Committee to consider the

Mysore Irrigation Bill.

Statement of attendance -----

3211 given chairman: Rajamantrapravina K. Matthan, B.A.,

A	A	A	A	Messrs.	1.	Hiriannaiya, M.A.B.L.,
P	P	P	P		2.	Dr. L.C. Coleman, M.A., Ph.D.
P	P	P	P		3.	K.R. Seshachar, B.A., B.E.,
P	P	P	P		4.	D. Sreenivasa Iyengar.
P	P	P	P		5.	N. Rama Rao, B.A.B.L.;
P	P	P	P		6.	K.R. Sreenivasa Iyengar, M.A.,
P	P	P	P		7.	B.K. Garudachar.
P	P	A	A		8.	H.C. Dasappa, B.A.L.L.B.,
P	P	P	P		9.	M.G. Rangaiyya, B.A.B.E.,
P	P	P	P		10.	H.B. Gundappa Gowda B.A.B.L.,
P	P	P	P		11.	Belur Srinivasa Iyengar B.A. B.L.,
P	P	P	P		12.	D.H. Chendrasekharaiya B.A.L.L.B.
<u>Invitees from R.A.</u>					1.	Chengalvaraya Reddy, B.A.B.L.,
P	P	P	P		2.	D.S. Mallappa.
P	P	P	P		3.	Nagappa Setty.
P	P	P	P		4.	J. Mahomed Imam. B.A., Dyk
P	P	P	P		5.	Nanjundaraj Urs.,
P	P	P	P		6.	B. Gopalachar.

Subd with draft forwarding certificates of
Tundamer

Dr.
9/9/31 muller

h
a



if approved
this will be circulated
to the members

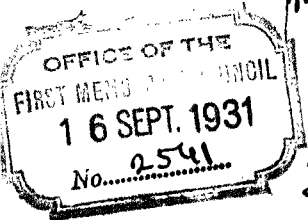
mm
4/9/31

ce
16.9.31

18th Member

W: mean
heard in the
its with me
copy
sent
2/9/31

Secretary.
Select Committee
The Immigration Bill.



Dear Sir,

I beg to enclose herewith a draft of a new Chapter to be incorporated in the Immigration Bill pertaining to the Award of Compensation.

I am of the considered opinion that claims for Compensation can justifiably be made by the for damage caused by the exercise of powers conferred by the Act under the provisions of Chapters II, III, IV and V in cases of entry on land etc for various purposes, - interruption of supply of water due to other than specified causes or by construction of new Irrigation works, and when land or the use of land has to be required for construction of water courses or new Irrigation works etc. And several governing sections have to be put in to the entertaining and disposal of such claims.

I feel it will be a difficult and cumbersome process to tack on sections pertaining to Compensation in various places under Chapters II, III, IV & V and that the most desirable and comprehensive way of dealing with the subject would be to provide a separate Chapter altogether for the same which I have attempted to do in the enclosed draft.

I have the honor to remain
Your most
Obedient Servant
K. Chengalaraya Redd

Chapter VI.
Of The Award of Compensation.

Compensation
awardable for
damage.

- - - - -

(1). ^{may} Compensation shall be awarded in respect of ^{any} damage caused by the exercise of any of the powers conferred by this ^{Act} ~~Act~~, which is capable of being - ascertained at the time of awarding such compensation:

Exceptions.

Provided that no Compensation shall be so awarded in respect of any damage arising from -

- (a). deterioration of climate or soil.
- (b). stoppage of navigation or of the means of floating timber ;
- (c). the failure , stoppage, diminution or ^a increase of/supply of water

(i). due to causes beyond the control of Government,

ii. for the period necessary to the execution of repairs to any irrigation work,

iii. due to any measures considered necessary by any irrigation Officer duly empowered in this behalf for regulating the proper flow of water or for maintaining the established course of irrigation ; and

(d). the stoppage or diminution of the supply of water of any river or stream flowing in a natural channel or of any lake or natural collection of still water by the application of such supply for the purposes of a new irrigation work or otherwise, if no use have been made of such supply within twelve years next of the notified date of proposal of such application;

Remission.

But nothing contained in this section shall be deemed to prevent the grant of remission under the orders and rules for the time being in force.

Limitation of

Claims.

(2). No claim for compensation for any damage shall be entertained after the expiration of one year from the date of the accrual of the damage unless the Deputy Commissioner is satisfied that the claimant had sufficient cause for not making the claim within such period.

Compensation for
damage caused -
by entry on land,
etc.

(3). In every case of entry upon any land or building under Sections 5 and 6 , ~~or under Chapter III and V~~, the irrigation officer or the person making the entry shall ascertain and record the extent of the damage, if any, caused by the entry, or in the execution of any work to any crop, tree, building or other property,

and within one month from the date of such entry compensation shall be tendered by an irrigation Officer duly empowered in this behalf to the owner of the property damaged.

The Deputy Commissioner shall make enquiry as to the matters in dispute and decide the amount of compensation against whose decision, however, an appeal shall lie to the Revenue Commissioner whose finding shall be final.

Claims of
compensation
to be preferred
to Deputy -
Commissioner.

(4). Subject to the provisions of the above section, all claims for compensation shall be made to the Deputy Commissioner having jurisdiction over the local area wherein the land or part thereof in respect of which damage is alleged to have been caused is situate.

Deputy Commissioner
to determine the -
amount of compen -
-sation,

(5). The Deputy Commissioner shall enquire into all claims under the preceeding section and determine the amount of compensation, if any, which should be awarded.

Reference to
Civil Courts
in certain -
cases

(6). In cases of interruption of water supply, under circumstances entitling a person to compensation under the provisions of this Act, *if* the compensation awarded by the Deputy Commissioner is not accepted by the claimant, the matter shall be referred by the Deputy Commissioner for the decision of the Civil Court in the jurisdiction of which the claim arises.

Deputy Commissioner
to be guided by -
Provisions of Land
Acquisition Act

(7). Except in cases falling under 3 and 6 above, all enquiries into claims for compensation, shall be governed by the relevant provisions of the Land Acquisition Act 1894 as amended by the Regulations XI of 1916 and I of 1927.

Diminution in
Market value
to be consi-
-dered in fixing
compensation.

(8). In determining the amount of compensation under the last preceeding section, regard shall be had among other considerations to the diminution in the market value, at the time of awarding compensation, of the property in respect of which compensation is claimed;

and, where such market value is not ascertainable, the amount shall be reckoned at twenty times the amount of the diminution of the annual net profits of such property, caused by the exercise of the powers conferred by this Act.

Compensation when
due

(9). All sums of money payable for compensation awarded under this chapter, shall become due three months after the final award has been made

Interest

and, simple interest at the rate of 6% per annum shall be allowed on any such sum remaining unpaid after the said three months, except when the non - payment of such sum is caused by the neglect or refusal of the claimant to apply for or receive the same.

Compensation
due to injury
caused by an
offence.

(10). Whenever any person is fined for an offence under this Act, the Magistrate may direct that the whole or any part of such fine may be paid by way of compensation to the person or persons, if any, injured by such offence.

Right to a
supply of -
water in lieu
of or part
of compensation.

Whenever in the exercise of the powers conferred (11). by this Act, the supply of water to any person is stopped or diminished under circumstances entitling him to compensation, the Government, with the consent of the person so entitled and subject to such terms as may be agreed upon, confer on him, in lieu of or as part of such compensation a right to a supply of water from any - irrigation work.

Special forms
of compensation
for land.

(12). When any land or the use thereof is required for the purpose of any irrigation work, either temporarily or permanently, the Deputy Commissioner may -

(a) with the consent of the person entitled to compensation, direct that, subject to the use of land by the Government, so long as it may be required for the purpose of such irrigation work, the rights to the land

and the enjoyment thereof in any manner not inconsistent with such use shall remain with the person so entitled, compensation being awarded only in respect of the user by Government , or

(b) with the consent of the person entitled to compensation and subject to the sanction of the Government , confer in the person so entitled, the lieu of or as part of any compensation, a right to a supply of water from such irrigation work

Provided that subject to the conditions of any award or order made under clauses (a) and (b) of this section, the person entitled to the land may, if it has been occupied for the purpose of any irrigation work for a period exceeding three years, request the Deputy Commissioner to make complete acquisition of the land under the Land Acquisition Act 1894, and the land shall be acquired accordingly.

No. 9

150

OFFICE OF THE SECRETARY, LEGISLATIVE COUNCIL.

No. *p. 1120-37/Legis* Dated Bangalore.....*16th September* 192*7*.

To *Mr. (Kachong)* OFFICIAL MEMORANDUM.

For address See Page 5

Member, Mysore Legislative Council.

A meeting of the Select Committee to consider the bill *Mysore*
Irrigation Bill will be held in the
Chambers of the *Joint Members of Council* at
will be held in the *1 P.M. on Monday the 21st inst*
at *on the following days till the Bill is*
the *fully considered* 192*7*.

A copy of the *Proceedings of the previous meeting*
is herewith enclosed to *get in with draft clauses*
for the provision of a *Chapter for the constitution*
of *Irrigation Panchayats & wards for being*

PROCEEDINGS OF THE FIFTH MEETING OF THE SELECT
COMMITTEE TO CONSIDER THE MYSORE IRRIGATION BILL,
HELD ON 2ND SEPTEMBER 1931.

PRESENT.

Rajamantrapravina K. Matthan, B.A.,
First Member of Council. (*Chairman*).

All the members except Messrs. S. Hiriannaiya and H. C. Dasappa and all the invitees from the Representative Assembly were present.

The proceedings of the Fourth Meeting had been printed and circulated to the Members and they were adopted.

Clause 27.—After a prolonged discussion as regards the scope of the chapter, it was ultimately resolved to amend the clause as follows:—

“The provisions of this Chapter shall apply to tanks, river and spring channels, and other irrigation works which have been brought upto standard and handed over to the raiyats for upkeep.”

Clause 28.—A few members suggested that the liability to perform customary labour should be restricted to those who are directly benefited by irrigation, *viz.*, holders of wet or garden lands. The majority did not approve of this and wanted the clause to remain as it is. The following amendments were adopted:—

- (1) Omit the words “or drainage” in the second line of sub-clause (i) para (1).
- (2) Add the words “in the earth work” at the end of Clause (i) (a) after “holes”.
- (3) Omit the words “of all tanks” in clause (i) (g).
- (4) In sub-clause (ii) omit the words “a flat rate per acre of holding” and insert the words “such rates as may be fixed under rules made in this behalf”.

Also add the following words after the words “bound to perform the same”:—

“provided that no such order of commutation shall be made except with the consent of two-thirds of the number of persons bound to perform such labour.”

Clause 29.—Omit the words “or drainage” in the second line.

Clause 30.—The following amendments were adopted:—

- (1) Omit the words “during the execution of any work”.
- (2) Omit the words “such work” and insert the words “any work under this chapter”.
- (3) Omit the words “upon the report of the Patel, the Irrigation Officer” and insert the words “or other officer empowered by Government in this behalf”.
- (4) Omit the word “labourers” and insert the word “labour”

Clause 31.—The clause was approved.

Clause 32.—It was agreed after discussion that the sum levied from a person failing to render customary labour should be the value of such labour and not in excess of it.

The following amendments were adopted:—

- (1) Omit the words “a sum not exceeding twice.”
- (2) Add the words “of service” after the words “from the date” in para 2.

It was suggested by a few members that a clause should be added that in the case of cumulative neglect of maintenance, the sum recoverable from the persons bound to perform customary labour should not be greater than one year's assessment of the lands included in the *atchket*, of the tank. This was not approved by the majority of the Committee.

The Committee desired to record in this connection that they strongly feel that the Government should impress on their officers that tanks should be inspected regularly, that maintenance work should not be allowed to accumulate, and that the officers neglecting their duty will be dealt with suitably.

CHAPTER VIII.

Clause 33.—The following amendments were adopted:—

(1) The words “Whoever voluntarily and without proper authority” to be placed at the commencement as the first para and the figure (i) to be placed before the word “damages.”

(2) Omit the words “or drainage” wherever they occur, in this clause, since the definition of “Irrigation work” includes “drainage works” also.

(3) Correct the figures “43” into “44” in sub-clauses vii and xi.

(4) Add the words “after he has been desired to desist therefrom” at the end of clause vii.

(5) The word “whoever” in clause xii to come after the previous “and” and the figure “xii” before “being responsible.”

(6) The words in clause xii commencing from “shall be deemed to commit.....rupees” to be put in as a separate para in the following amended form—

“shall be deemed to commit an offence under this Regulation and shall, on conviction before a Magistrate be punished for each such offence as is mentioned in sub-sections (i) to (vi), x and xii of this section with fine which may extend to one hundred rupees, and for each such offence as is mentioned in sub-sections vii, viii, ix and xi with fine which may extend to fifty rupees.”

Clause 34.—The following amendments were made:—

(1) Omit the words “lawful excuse” and insert the words “sufficient and reasonable cause.”

(2) Omit the words “one hundred” and insert the word “fifty.”

(3) Omit the words “or with simple imprisonment which may extend to one month or with both.”

Clause 35.—It was resolved to omit the section since the Cr. P. C. will regulate summary trials according to the nature of the offence and the powers of the trying Magistrate.

SECOND DAY (3RD SEPTEMBER 1931.)

All the members except Mr. S. Hiriannaiya were present.

Clause 36.—It was resolved to omit the words “or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work.”

Clause 37.—There was prolonged discussion as regards the principle underlying this clause. It was not acceptable to the Committee in the form as it stood. It was the sense of the Committee that provision should be made for the constitution of Irrigation Panchayets or Committees and that certain powers should be entrusted to them by the Government, that powers similar to the one in clause 37 may be delegated to such Panchayets and that a suitable section therefor may be framed.

Clause 38.—This was approved with an amendment to omit the word “offence” in the proviso and insert the words “act or omission.”

Clause 39.—It was resolved that clause 39 be deleted and a section similar to section 64 of the Bombay Act be adopted. It will read as follows :—

“Any person in charge of, or employed upon any irrigation work, may remove from the lands or buildings belonging thereto, or may take into custody without a warrant, and take forthwith before a Magistrate or to the nearest Police Station to be dealt with according to law, any person who within his view—

(1) wilfully damages, obstructs or fouls any irrigation work, or

(2) without proper authority interferes with the supply or flow of water, in or from any irrigation work so as to endanger, damage, or render less useful any irrigation work.”

CHAPTER IX.

Clause 40.—Insert the words “or any irrigation officer subordinate to it or him” after the words “Deputy Commissioner.”

Insert the words “correctness, legality or” between the words “as to the” and “propriety.”

In para 2 omit the words “of a Deputy Commissioner” and insert the words “so called for.”

Insert at the end of the clause the words “in cases in which such order or decision is not declared by this Regulation to be final.”

Clause 41.—This was approved.

Clause 42.—Delete clause 42, and insert a provision as follows :—

“Service of any notice under this Regulation shall be made in accordance with the provisions of the Code of Civil Procedure.”

Clause 43.—Insert the words “Chapter V,” before the words “Chapter VI.”

Clause 44.—This was approved.

Mr. K. Changalraya Reddy suggested that some provisions should be inserted as in the Bombay Act relating to “Award of Compensation” to persons for injury that may be caused by the exercise of the powers under this Regulation. After some discussion Mr. Changalraya Reddy agreed to send to the Secretary a draft of the clauses he would suggest by the 14th instant so that they may be considered at the next meeting.

It was agreed that the next meeting may be held on the 21st and if necessary continued on the 22nd instant.

(Sd.) C. SUBRAMANYA AIYAR,
Secretary to the Select Committee.

*Copy of the same will be sent
soon after receipt.*

CHAPTER.

Of Irrigation Panchayets and Boards.

Constitution of an
Irrigation Pancha-
yet.

1. Subject to such general or special rules as the Government may make in this behalf, the Deputy Commissioner may, when he is satisfied that a substantial demand exists, constitute an Irrigation Panchayet for a village or for an individual irrigation work or part of such work.

Such Panchayet shall consist of the Patel and the Shanbhoi and of 3 or more other members who shall be elected in accordance with rules made under this Regulation, by and from among occupiers of land who are interested by reason of such occupation in the proper maintenance of such work.

The elected members shall hold office for a period of three years, but shall be eligible for re-election. Provided that an elected member shall be deemed to have vacated his office as soon as he ceases to possess the aforesaid qualification.

Constitution of an
Irrigation Board.

2. Subject to such general or special rules as the Government may make in this behalf the Deputy Commissioner may constitute an Irrigation Board consisting of two or more panchayets or delegates therefrom in respect of an Irrigation work irrigating more than one village.

The appointment of delegates to Irrigation Boards shall be made in accordance with rules framed under this Regulation and every delegate shall hold his office only for such time as he continues to be a member of the Panchayet of which he is a delegate.

3. The provisions of the following sections as regards Panchayets shall also apply as far as possible to Irrigation Boards.

4. The Government may by rules to be framed in this behalf in respect of any Irrigation Work or class of Irrigation Works.

(a) prescribe the functions of an irrigation panchayet;

(b) prescribe the procedure to be adopted by an Irrigation Panchayet; and

(c) delegate to any Irrigation Panchayet any of the powers vested in the Government or in an Irrigation Officer under this Regulation.

Dissolution of
Panchayet.

5. If in the opinion of the Deputy Commissioner any Panchayet persistently makes default in the performance of the duties imposed upon it by this Regulation or rules thereunder or exceeds or abuses its powers, such Deputy Commissioner may, after giving an opportunity to the members of the Panchayet to be heard in their defence, order the Panchayet to be dissolved.

In place of Cl. 37 of the Irrigation Bill the following amended form is suggested.

37. When the person causing any damage, alteration, enlargement or obstruction to any Irrigation work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may on the recommendation of the Irrigation Board or the Irrigation Panchayet concerned with the work, after giving not less than one month's notice to the occupiers of all lands benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration, enlargement or obstruction, in such proportion as he thinks fit.

Clause 39.—It was resolved that clause 39 be deleted and a section similar to section 64 of the Bombay Act be adopted. It will read as follows:—

“Any person in charge of, or employed upon any irrigation work, may remove from the lands or buildings belonging thereto, or may take into custody without a warrant, and take forthwith before a Magistrate or to the nearest Police Station to be dealt with according to law, any person who within his view—

(1) wilfully damages, obstructs or fouls any irrigation work, or

(2) without proper authority interferes with the supply or flow of water, in or from any irrigation work so as to endanger, damage, or render less useful any irrigation work.”

CHAPTER IX.

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Insert the words “correctness, legality or” between the words “as to the” and “propriety.”

In para 2 omit the words “of a Deputy Commissioner” and insert the words “so called for.”

Insert at the end of the clause the words “in cases in which such order or decision is not declared by this Regulation to be final.”

Clause 41.—This was approved.

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The elected members shall hold office for a period of three years, but shall be eligible for re-election. Provided that an elected member shall be deemed to have vacated his office as soon as he ceases to possess the aforesaid qualification.

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(a) prescribe the functions of an irrigation panchayet ;

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PROCEEDINGS OF THE FIFTH MEETING OF THE SELECT
COMMITTEE TO CONSIDER THE MYSORE IRRIGATION BILL,
HELD ON 2ND SEPTEMBER 1931.

PRESENT.

Rajamantrapravina K. Matthan, B.A.,
First Member of Council. (*Chairman*).

All the members except Messrs. S. Hiriannaiya and H. C. Dasappa and all the invitees from the Representative Assembly were present.

The proceedings of the Fourth Meeting had been printed and circulated to the Members and they were adopted.

Clause 27.—After a prolonged discussion as regards the scope of the chapter, it was ultimately resolved to amend the clause as follows:—

“The provisions of this Chapter shall apply to tanks, river and spring channels, and other irrigation works which have been brought upto standard and handed over to the raiyats for upkeep.”

Clause 28.—A few members suggested that the liability to perform customary labour should be restricted to those who are directly benefited by irrigation, *viz.*, holders of wet or garden lands. The majority did not approve of this and wanted the clause to remain as it is. The following amendments were adopted:—

- (1) Omit the words “or drainage” in the second line of sub-clause (i) para (1).
- (2) Add the words “in the earth work” at the end of Clause (i) (a) after “holes”.
- (3) Omit the words “of all tanks” in clause (i) (g).
- (4) In sub-clause (ii) omit the words “a flat rate per acre of holding” and insert the words “such rates as may be fixed under rules made in this behalf”.

Also add the following words after the words “bound to perform the same”:—

“provided that no such order of commutation shall be made except with the consent of two-thirds of the number of persons bound to perform such labour.”

Clause 29.—Omit the words “or drainage” in the second line.

Clause 30.—The following amendments were adopted:—

- (1) Omit the words “during the execution of any work”.
- (2) Omit the words “such work” and insert the words “any work under this chapter”.
- (3) Omit the words “upon the report of the Patel, the Irrigation Officer” and insert the words “or other officer empowered by Government in this behalf”.
- (4) Omit the word “labourers” and insert the word “labour”.

Clause 31.—The clause was approved.

Clause 32.—It was agreed after discussion that the sum levied from a person failing to render customary labour should be the value of such labour and not in excess of it.

The following amendments were adopted:—

- (1) Omit the words “a sum not exceeding twice.”
- (2) Add the words “of service” after the words “from the date” in para 2.

It was suggested by a few members that a clause should be added that in the case of cumulative neglect of maintenance, the sum recoverable from the persons bound to perform customary labour should not be greater than one year's assessment of the lands included in the *atchket*, of the tank. This was not approved by the majority of the Committee.

The Committee desired to record in this connection that they strongly feel that the Government should impress on their officers that tanks should be inspected regularly, that maintenance work should not be allowed to accumulate, and that the officers neglecting their duty will be dealt with suitably.

CHAPTER VIII.

Clause 33.—The following amendments were adopted:—

(1) The words "Whoever voluntarily and without proper authority" to be placed at the commencement as the first para and the figure (i) to be placed before the word "damages."

(2) Omit the words "or drainage" wherever they occur, in this clause, since the definition of "Irrigation work" includes "drainage works" also.

(3) Correct the figures "43" into "44" in sub-clauses vii and xi.

(4) Add the words "after he has been desired to desist therefrom" at the end of clause vii.

(5) The word "whoever" in clause xii to come after the previous "and" and the figure "xii" before "being responsible."

(6) The words in clause xii commencing from "shall be deemed to commit.....rupees" to be put in as a separate para in the following amended form—

"shall be deemed to commit an offence under this Regulation and shall, on conviction before a Magistrate be punished for each such offence as is mentioned in sub-sections (i) to (vi), x and xii of this section with fine which may extend to one hundred rupees, and for each such offence as is mentioned in sub-sections vii, viii, ix and xi with fine which may extend to fifty rupees."

Clause 34.—The following amendments were made:—

(1) Omit the words "lawful excuse" and insert the words "sufficient and reasonable cause."

(2) Omit the words "one hundred" and insert the word "fifty."

(3) Omit the words "or with simple imprisonment which may extend to one month or with both."

Clause 35.—It was resolved to omit the section since the Cr. P. C. will regulate summary trials according to the nature of the offence and the powers of the trying Magistrate.

SECOND DAY (3RD SEPTEMBER 1931.)

All the members except Mr. S. Hiriannaiya were present.

Clause 36.—It was resolved to omit the words "or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work."

Clause 37.—There was prolonged discussion as regards the principle underlying this clause. It was not acceptable to the Committee in the form as it stood. It was the sense of the Committee that provision should be made for the constitution of Irrigation Panchayets or Committees and that certain powers should be entrusted to them by the Government, that powers similar to the one in clause 37 may be delegated to such Panchayets and that a suitable section therefor may be framed.

Clause 38.—This was approved with an amendment to omit the word "offence" in the proviso and insert the words "act or omission."

THE ASSISTANT, SYSTEMS INTEGRATION COUNCIL.

1620-37/2/2

Dated Bangalore, 21st 1941

18/10/1941

OFFICIAL MEMORANDUM.

To

Member, Mysore Legislative Council.

A meeting of the Select Committee to consider the Mysore Irrigation Bill, will be held in the Chambers of the First Member of Council at 1 P.M. on Monday the 21st instant and on the following days till the Bill is fully considered.

2. The following:

A copy of the Proceedings of the previous meeting is herewith enclosed together with draft clauses for the provision of a chapter for the constitution of Irrigation Panchayats and Boards for being discussed at the meeting.

3. D.H. Choudhary, Secy. to the Select Committee.

From the Secy.



4. Secretary to the Select Committee.

5. Secy.

6. Secy.

7. Secy.

8. Secy.

9. Secy.

10. Secy.

11. Secy.

Personnel of the Committee to consider the Mysore
Irrigation Bill.

Chairman :- Rajamantappa/vina K. Matthan, B.A.,

Members :-

Messrs.

1. S. P. Rajagopalachari.
2. L. C. Coleman
3. K. R. Seshachar
4. ~~M. Rama Rao.~~
5. ~~K. R. Srinivasa Iyengar~~
5. K. R. Srinivasa Iyengar
6. B. K. Garadacher.
7. H. C. Dasappa
8. The Chief Engineer P. W. D.
9. H. B. Gundappa Gowda
10. Belur Srinivasalingar.
11. D. H. Chendrasekharaiya.

invitees from the R.A.

Messrs.

1. Chennalroyra Reddy.
2. D. S. Mallappa.
3. Nagarappa Setty, Kadur.
4. J. Mahomed Isam, Chitaldru
5. Nanjundaraj Urs, Mysore.
6. B. Gopalachar, Shimoga.

time for the development of irrigation may all be collected and a summary prepared and printed. They will be useful for the administration of the Act.

6. The irrigated area in Mysore is about acres. The revenue derived from this source (now classed as Land Revenue) amounts to about lakhs over per cent. of the Land Revenue

At present, the distribution of water and the time for sowings are regulated by rule of thumb. A better regulation, based on calculation of available supply will help to increase production. At present, much of the water is allowed to evaporate or is wasted through wrong methods of regulation and use. It is desirable therefore that a permanent commission and a full-time thoroughly conversant with the working of the Irrigation Act in respect of and irrigation works and particularly in the details of management with reference to distribution of water.

7. When this law is passed, the rules under the Irrigation Regulation and those for and class irrigation works under this it should be collected together.

8. related and properly understood. There will

(2) No claim for compensation for any damage shall be determined after the expiration of one year from the date of the accrual of the damage unless the Deputy Commissioner is satisfied that the claimant had sufficient cause for not making the claim within such period.

Section 56
not caused
entry on land
(3) In every case of entry upon any land or building under Sections 5 and 6, or under Chapter III and V,

the irrigation officer or the person making the entry shall ascertain and record the extent of the damage, if any, caused by the entry, or in the execution of any work to any crop, tree, building or other property,

and within one month from the date of such entry compensation shall be tendered by an irrigation officer duly empowered in this behalf to the owner of the property damaged.

The Deputy Commissioner shall make enquiry as to the matters in dispute and decide the amount of compensation against whose decision, however, an appeal shall lie to the Revenue Commissioner whose finding shall be final.

(4) Subject to the provisions of the above section claims for compensation shall be made to the Deputy Commissioner having jurisdiction over the local area in which the land or part thereof in respect of which damage is claimed to have been caused is situate.

Deputy Commissioner
to determine
the amount
of compensation.

(5) The Deputy Commissioner shall enquire into all claims under the preceding section and determine the amount of compensation, if any, which should be awarded.

reference to
civil courts
to ascertain

(6) In case of interruption of water supply, under circumstances entitling a person to compensation under the provisions of this act, if the compensation awarded by the Deputy Commissioner is not accepted by the claimant, the matter shall be referred by the Deputy Commissioner for the decision of the Civil Court in the jurisdiction of which the land is situate.

any compensation
to be paid by
the Government
of India.

(7) except in cases falling under section 4, the
all compensation to be paid to the person, shall be
governed by the provisions of the
Regulation of 1946 as amended by the Regulation of
1947 and of 1948.

compensation in
market value to
be paid to the
person.

(8) In determining the amount of compensation
under the last preceding section, regard shall be
had among other considerations to the diminution in
the market value, at the time of awarding compensa-
tion, of the property in respect of which compensa-
tion is claimed;

and, where such market value is not ascertain-
able, the amount shall be determined at every time
the value of the property of the person who pro-
prietor of such property, owned by the person or the
persons conferred on him.

(9) All sums of money payable under this chapter, shall become due three
months after the final award has been made;

and, simple interest at the rate of 5% per
annum shall be allowed on any such sum from the
date after the said three months, except when the
payment of such sum is made by the person or
persons of the claimant to apply for or receive the
same.

compensation due
to the person
in offence.

(10) Whenever any person is fined for an offence
under this act, the Magistrate may direct that the
whole or any part of such fine may be paid by way of
compensation to the person or persons, if any, injured
by such offence.

as to supply
water in the
area.

(11) Whenever in the exercise of the powers
conferred by this act, the supply of water to any
person is stopped or diminished under circumstances
entitling him to compensation, the Government, with
the consent of the person so entitled, may

such terms as may be agreed upon, or for on him, in lieu of or as part of such compensation, a right to supply of water from any irrigation work.

in the form of compensation for the land.

(12) When any land or the use thereof is required for the purpose of any irrigation work, either temporarily or permanently, the Deputy Commissioner may

(a) with the consent of the person entitled to compensation, direct that, subject to the use of land by the Government, so long as it may be required for the purpose of such irrigation work, the rights to the land and the enjoyment thereof in any manner not inconsistent with such use shall remain with the person so entitled, compensation being awarded only in respect of the user by Government, or

(b) with the consent of the person entitled to compensation and subject to the sanction of the Government, confer in the person so entitled, the lieu of or as part of any compensation, a right to supply of water from such irrigation work.

Provided that subject to the conditions of any award or order made under clauses (a) and (b) of this section, the person entitled to the land may, if it has been occupied for the purpose of any irrigation work for a period exceeding three years, request the Deputy Commissioner to make complete acquisition of the land under the land acquisition act 1894, and land shall be acquired accordingly.

...that ... of the property, in ...
tion is ...;

and, where such market value is not ascertainable, the amount shall be reckoned at ...
the amount of the diminution of the ...
of such property, caused by the exercise of the powers conferred by this Act.

(9) If sums of money payable for compensation are awarded under this chapter, shall become due ...
months after the final award has been made;

and, simple interest at the rate of ...
shall be allowed on any such sum ...
unpaid after the said award ...
non-payment of such sum is caused by the ...
of the ... to apply for or receive such sum.

(10) Whenever any person is injured by an offence under this Act, the Magistrate may direct that the amount or part of such fine may be paid by way of compensation to the person or persons, if any, injured by such offence.

(11) Whenever in the exercise of the powers conferred by this Act, the supply of water to any person is stopped or diminished under circumstances entitling him to compensation, the Government, with the consent of the person so entitled and subject to

Interest

compensation and
injury caused
in offence.

supply
lien
of
the ...

(1) No claim for compensation for any damage shall be entertained after the expiration of one year from the date of the occurrence of the damage, unless the Deputy Commissioner is satisfied that the claimant had sufficient cause for not making the claim within such period.

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and within one month from the date of such entry compensation shall be tendered by an irrigation officer duly empowered in this behalf to the owner of the property damaged.

The Deputy Commissioner shall make enquiry as to the matters in dispute and decide the amount of compensation against whose decision, however, an appeal shall lie to the Revenue Commissioner whose finding shall be final.

Time of compensation to be referred to Deputy Commissioner. (3) Subject to the provisions of the above section all claims for compensation shall be made to the Deputy Commissioner having jurisdiction over the local area wherein the land or part thereof in respect of which damage is claimed to have been caused is situate.

Deputy Commissioner to determine the amount of compensation. (4) The Deputy Commissioner shall enquire into all claims under the preceding section and determine the amount of compensation, if any, which should be awarded.

(5) In cases of interruption of water supply, under circumstances entitling a person to compensation under the provisions of this Act, if the compensation awarded by the Deputy Commissioner is not accepted by the claimant, the same shall be referred to

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lieu of or as part of such compensation a right to
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(a) with the consent of the person entitled to
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by the Government, as long as it may be required for
the purpose of such irrigation work, the rights to
the land and the enjoyment thereof in any manner not
inconsistent with such use shall remain with the per-
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respect of the use by Government, or

(b) with the consent of the person entitled to
compensation and subject to the sanction of the --
Government, confer on the person so entitled, the
lieu of or as part of any compensation, a right to
supply of water from such irrigation work.

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section, the person entitled to the land may, if he
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work for a period exceeding three years, request the
Deputy Commissioner to make complete ^{compensation} ~~arrangements~~ of
the land under the Land Acquisition Act 1894, and the
land shall be acquired accordingly.

18/11/10

See to the S.P.
Tom

no. p 1670 / legis

of 16th. September 31.

170

C. Subrahmanya Iyer, Esq., B.A., B.L.,
For

and Secretary to Select Committee.

.. Chengalraya Reddy, Esq., B.A., B.L.,
Member, Mysore Legislative Council,

I write to acknowledge the receipt of your letter dated 13th September 1931, forwarding draft -- Chapter on "Award of compensation" and to state that copies of the same will be sent to the Members of the Committee in advance to enable them to discuss on the 21st instant.

I am to request that the Select Committee Report relating to the Madras Bill copy of which was given to you may kindly be returned immediately ^{copy from 7-10} as that is the only copy available ^{and is required} for reference.

I have the honour to be,

S i r,

Your most obedient servant,

^{Ce}
Secretary to Select Committee

in Superintending
Office
Please
let these typed
done
16/9

SUBJECT

Section

File No.

Serial No.

Diary No. of letter replied to

No. P 1651-68 Dated 16.9.31

To

The Members of the S.C.
Flag N

General and Revenue Secretariat

Sir

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the 193

In continuation of
this Office O. M. No P 1620-

Date of issue

Regis Dated 14.9.31 re
the meeting of the

Signed by

Committee to be held
on the 21st inst., I
enclose herewith the
draft of a chapter on
'Award of Compensation'
sent by Mr. K. Chandra
Prasadi for your information.

List of enclosures

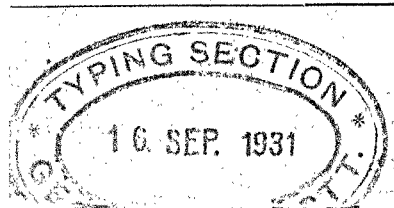
Copied by

16/9

Examined by

will keep to the S.C.

True
16/9



SUBJECT

Section

File No.

Serial No.

Diary No. of letter replied to

No.

2160 Eng

To

Mr. Superintendent

Govt Printing

Sci.

General and Revenue Secretariat

()

the

193

Date of issue

15/10/31

Signed by

M. C. S. S.

List of enclosures

Copied by

Examined by

I am directed to forward herewith in original proceedings of the sixteenth meeting of the S.C. to consider the Superintendence Bill to get the Bill as amended by them and to request you to be so good as to get 50 copies of the Proceedings printed and supplied to this office. and also forward 4 clean copies of the

final proof of the Brief
for approval of Court.

The originals may
kindly be returned with
printed copies.

I have etc

C

For Secy to Court

Court Secy

Done

10/10/31

Proceedings of the Fifth Meeting of the 2
Select Committee to consider the Mysore Irrigation
Bill, held on 2nd September 1931.

P r e s e n t.

Rajamantrapravina K. Nathan,
First Member of Council. (Chairman).

All the members except Messrs. S. Hiriannaia
and H.C. Dasappa and all the invitees ^{present} were present.

The proceedings of the Fourth Meeting had been
printed and circulated to the Members and they were
adopted.

Clause 27.

After a prolonged discussion as regards the
scope of the chapter, it was ultimately resolved to
amend the clause as follows: -

" The provisions of this Chapter shall apply
to tanks, river and spring channels, and other irriga-
tion works which have been ~~constructed or~~ brought
upto standard and handed over to the ~~ryots~~ ryavats
for upkeep."

Clause 28.

fore
12.9.31 A few members suggested that the liability to
perform customary labour should be ~~restricted~~ restricted
to those who are directly benefitted by irrigation
viz. holders of wet or garden lands. The majority
did not approve of this and wanted the clause to
remain as it is. The following amendments were
adopted: -

(1) Omit the words " or drainage" in the
second line sub-clause (i) para (1).

(2) Add the words " in the earth work" ~~at~~ at the end of Clause (i) (a) after "holes"

(3) Omit the words " of all tanks " in clause (i) (g)

(4) In sub Clause (ii) omit the words " a flat rate per acre of holding" and insert the words "such rates as may be fixed under rules made in this behalf".

Also add the following words after the words "bound to perform the same" : -

" provided that no such order of commutation shall be made except with the consent of two-thirds of the number of persons bound to perform such labour."

Clause 29

Omit the words " or drainage " in the second line.

Clause 30.

The following amendments were adopted: -

(1) Omit the words " during the execution of any work"

(2) Omit the words "such work " and insert the words " any work under this chapter".

(3) Omit the words " upon the report of the Patel, the irrigation officer " and insert the words " or other officer empowered by Government in this behalf".

(4) Omit the words "labourers" and insert the word " labour".

Clause 31

The clause was approved.

Clause 32.

It was agreed ^{after} ~~by~~ the discussion that the sum levied from a person failing to render customar

labour should be the value of such labour and not in excess of it.

The following amendments were adopted: -

- (1) Omit the words " a sum not exceeding twice"
- (2) add the words " of service" after the words " from the date" in para 2.

~~Chapter VIII~~

It was suggested by a few members that a clause should be added that in the case of cumulative neglect of maintenance, the sum recoverable from the persons bound to perform customary labour should not be greater than one year's assessment of the lands included in the achhket, of the tank. This was not approved by the majority of the Committee

The Committee ~~desired~~ desired to record in this connection that they strongly feel that Govt. should impress on their officers that tanks should be inspected regularly, that maintenance work should not be allowed to accumulate, and that the ~~xxxxx~~ officers neglecting their duty will be dealt with suitably.

Chapter VIII

Clause 33.

The following amendments were adopted: -

- (1) The words " Whoever voluntarily and without proper authority" to be placed at the commencement as the first para and the ^{figure} (1) to be placed before the word "damages" .

- (2) Omit the words " or drainage" wherever ^{they} it occurs, in this clause, since the definition of " irrigation works " includes " drainage works" also.

- (3) Correct the figures "43" into "44" in clauses vii and xi.

- (4) Add the words "after he has been desired

to desist therefrom" at the end of clause vii.

(5) The word "whoever" ^{in cl xii} to come after ^{the previous} "and" and figure "xii" before "being responsible".

(6) The words ^{in cl xii} "commencing from" shall be deemed to commit ~~infringe~~ "to be put in as a separate para in the following amended form . . . " shall be deemed to commit an offence under this Regulation and shall, on conviction before a Magistrate be punished for each such offence as is mentioned in Sub Sections (i) to (vi) X and xii of this section with fine ^{which} ~~may~~ extend to ~~Rs. 100~~ ^{each} one hundred rupees, and for ~~each~~ ^{each} offence mentioned in Sub Sections vii, viii, ix and xi with fine which may extend to fifty rupees".

Clause 34.

The following amendments were made : -

(1) Omit the words "lawful excuse" and insert the words "sufficient and reasonable cause"

(2) Omit the words "one hundred" and insert "fifty" .

(3) Omit the words "or with ~~simple~~ simple imprisonment which may extend to one month or with both".

Clause 35.

It was resolved to omit the Section since the Cr. P.C. will regulate summary trials according to the nature of the offence and the powers of the trying Magistrate.

All the members except Mr. S. Hiriannaiya were present.

Clause 36.

It was decided
to omit the words "or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work"

Clause 37.

There was prolonged discussion as regards the principle underlying this clause. It was not acceptable to the Committee in the form as it stood. It was the sense of the Committee that provision should be made for the constitution of Irrigation Panchayets or Committees and that certain powers should be entrusted to them by the Government, that powers similar to the one in clause 37 may be delegated to such Panchayets and ^{that} a suitable section therefor may be framed.

Clause 38.

It was approved with a
amendment to omit the word "offence" in the proviso and insert the words "act or omission".

Clause 39.

It was resolved that clause 39 be deleted and a section similar to Section 64 of the Bombay Act be adopted. It will read as follows:-

"Any person in charge of, or employed upon any irrigation work, may remove from the lands or buildings belonging thereto, or may take into custody without a warrant, and take forthwith before a Magistrate or to the nearest Police Station to be dealt with according to law, any person who within his view -

(1) wilfully damages, obstructs or fouls any ~~sand~~ irrigation work. or

(2) without proper authority interferes with the supply or flow of water, in or from any irrigation work so as to endanger, damage or render less useful any irrigation work."

Chapter IX

Clause 40.

Insert the words "or any irrigation officer subordinate to it or him" after the words "Deputy Commissioner".

Insert ~~xxx~~ the words "correctness, legality" between the words "as to the" and "propriety".

In para 2 omit the words "of a Deputy Commissioner" and insert the words "so called for".

Insert the words "in cases in which such order or decision is not declared by this Regulation to be final".

Clause 41.

This was approved.

Clause 42.

Delete clause 42, and insert a provision as follows:-

"Service of any notice under this Regulation ~~xxx~~ shall be made in accordance with the provisions of the code of Civil Procedure, ~~1911~~"

Clause 43.

Insert the words "Chapter V, ~~xx~~" before the words "chapter VI".

Clause 44.

This was approved.

Mr. K. Changalaraya Reddy suggested that some provisions should be inserted as in the Bombay Act relating to "Award of Compensation" to persons for injury that may be caused by the exercise of the powers under this Regulation. After some discussion Mr. Changalaraya Reddy agreed to send to the Secretary a draft of the clauses he would suggest by the 14th instant so that they may be considered at the next meeting.

It was agreed that the next meeting may be held on the 21st and 22nd instants. *and if necessary continued on the*

6/9/37

Of Irrigation Panchayats and Boards.

Constitution of an
Irrigation Panchayat.

1. Subject to such general or special rules as the Government may make in this behalf, the Deputy Commissioner may, when he is satisfied that a substantial demand exists, constitute an Irrigation Panchayat for a ~~vill~~ village or for an individual irrigation work or part of such work.

Such Panchayat shall consist of the Patel and the Shanbhog and of 3 or ^{more} other members who shall be elected in accordance with rules made under this Regulation, by and from among occupiers of land who are interested by reason of such occupation in the proper maintenance of such work.

The elected members shall hold office for a period of three years, but shall be eligible for re-election. Provided that an elected member shall be deemed to have vacated his office as soon as he ceases to possess the aforesaid qualification.

Constitution of Irrigation
Board.

2. Subject to such general or special rules as the Government may make in this behalf the ~~Deputy Commissioner~~ Deputy Commissioner may constitute an Irrigation Board consisting of 2 or more panchayats or delegates therefrom in respect of an Irrigation work irrigating more than one village.

The appointment of delegates to Irrigation Boards shall be made in accordance with rules framed under this Regulation and every delegate shall hold his office only for such time as he continues to be a member of the Panchayat of which he is a delegate.

(on the lines of
cl. 71 of the Madras Bill)

Similar to
(cl 72 of Madras Bill)

3. The provisions of the following sections as regards Panchayats shall also apply as far as possible to Irrigation Boards.

4. The Government may by rules to be framed in this behalf in respect of any Irrigation Work or class of Irrigation Works,

- (a) prescribe the functions of an irrigation panchayat,
- (b) prescribe the procedure to be adopted by an Irrigation Panchayat.
- (c) delegate to an Irrigation Panchayat any of the powers vested in the Government or in an Irrigation Officer ^{under} by this Regulation.

Resolution of Panchayat.

5. If in the opinion of the Deputy Commissioner any Panchayat persistently makes default in the performance of the duties imposed upon it by this Regulation or exceeds or abuses its powers, such Deputy Commissioner may, after giving an opportunity to the members of the Panchayat to be heard in their defence, order the Panchayat to be dissolved.

[Cl 80(1) g Matras Bill]

Cl. 37 g Disolution Bill ^{in following amended} amended form is
suggested. 37. When the person causing any damage, alteration, enlargement or obstruction to

Cl. 37 of Sugam Bill ⁻³⁻ amended form is ~~as follows~~
Suggested.

37. When the person causing any damage, alteration, enlargement or obstruction to any Irrigation work without proper authority cannot, after such enquiry as the Deputy Commissioner ^{be ascertained or identified, the Deputy} may deem sufficient, on the recommendation of the Irrigation Board or the Irrigation Panchayat ^{connected with the work} ~~in charge of the Irrigation Work~~, after giving not less than one month's notice to the occupiers of all lands benefited thereby, and after hearing their representations, if any, ^{may} recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration, enlargement or obstruction, in such proportion as he thinks fit.

IMMEDIATE.

182
GENERAL AND REVENUE SECRETARIAT

D. O. No.

Dated, Bangalore, 13th November 1931.

Dear Sir,

I enclose herewith for favour of approval and return immediately the report of the Select Committee approved by the members who met on the 11th instant.

I request that the same may be sent by return of post as the report has to be published in the ^{next} issue of the Gazette ^(19th instant) positively to enable the Bill being taken up for consideration at the December Session of the Legislative Council which commences on the 15th Dec.

Yours sincerely,



N. Rama Rao, Esq., B.A., B.L.,
Member, Legislative Council and
Director of Industries and Commerce.

Tels.—“INDUSCOM”

DEPARTMENT OF INDUSTRIES AND COMMERCE.

183

Mr. N. RAMA RAO, B.A., B.L.,
Director.

OFFICE OF THE DIRECTOR,

D. O. No. 279

Camp ^{Hassan} ~~Bangalore~~, dated the... ^{14th} ~~14th~~ ^{Nov} ~~Nov~~ 1931.

cc
16.11.31

Dear sir,

I return herewith, duly approved,
the Report of the Select Committee
appointed to consider the Mysore
Emigration Bill. I request the
honour of an acknowledgment?

Yours sincerely

N Rama Rao

C. Subrahmanya Aiyar,
Eng B.A. B.L.
Secretary, Leg. Council

The Mysore Irrigation Bill.

We, the undersigned, members of the Select Committee to which the Mysore Irrigation Bill was referred, have considered the Bill and have the honour to submit this our Report, with the Bill as amended by us annexed hereto.

The marginally noted gentlemen from the Representative Assembly were invited to attend meetings of the Committee and they took part in our deliberations and rendered us great assistance in considering the provisions of the Bill.

There were seven meetings in all, which continued over 9 days. The first meeting was presided over by Rajamantrapravina C.S.Balasundaram Iyer; and second by Mr.S.P.Rajagopalachari, Revenue Commissioner in the absence of the Member and the subsequent meetings by Rajamantrapravina K.Matthan.

The scheme of the Bill is based on the model of the Bombay Irrigation Act. We find ourselves in agreement with most of the provisions contained in the Bill. The Committee was ^{however} opposed to the compulsory impressment of materials in cases of emergency and the provisions relating thereto have been deleted.

It was also the general sense of the Committee that a chapter on the "Award of Compensation" for damages that may be caused by acts done in the exercise of powers under this Regulation and another in regard to the "Constitution of Irrigation Panchayets and Boards" should be provided.

Mr. K. Chengalaroya Reddy, one of the co-opted

*Mr. K. R. Seshachar who attended 6 meetings
the Committee has not signed this report as
he resigned his membership of the Committee on*

^{by} members from the Representative Assembly sent a draft of a chapter on the Award of Compensation and it has been accepted with some modifications.

Another chapter on irrigation Panchayets has been newly inserted by us.

In this ^{report} we deal only with those provisions of the Bill which we ~~consider~~ ^{Special question} require amendment. Some other minor alterations which are ^{mostly} merely verbal have been indicated in the Bill annexed hereto.

The following notes on clauses explain the amendments which we have made in the Bill.

Chapter I.

Clause 3. In the definition of "Irrigation Work" we have included Talapariges, ^{anicut} and ~~added the same in~~ sub-clause (2) in the definition of "New Irrigation Work"

We consider that the definition of "New Irrigation Work" would be incomplete without including extensions of irrigation works made after this Regulation comes into force, and accordingly this has been inserted. ^{in Sub-clause (2) of the definition of New Irrigation Work}

It is unnecessary in our view to define the term "Labourer" as under Clause (23) ^[31] the class of persons who can be compelled to work has been clearly explained.

We consider it necessary to define the ^{term} ~~word~~ "Occupier" so as to include a tenant and this has been inserted.

As regards the definition "Magistrate", we are of opinion that Revenue Officers who are ex-officio Magistrates should not be empowered by Government to try offences under the Regulation.

*we have added a def. of Builder
so as to include a B. Builder*

Chapter II.

Clause (7)

We consider that the procedure regarding notice as laid down in this clause would cause some inconvenience. We have therefore provided that reasonable notice in writing is necessary in all cases except in cases of emergency.

Chapter III.

Clause (8)

The time limit allowed for preferring an appeal should in our opinion count from the date of the service of the order and we also consider that a second appeal to the Revenue Commissioner should also be provided. The clause has for this end been suitably revised.

Clause (10)

We consider it desirable that a new section as in Section 20 of the Bombay Act may, with necessary changes, be introduced for the settlement of disputes of persons interested in water courses, and a suitable sub-clause has accordingly been added.

Chapter IV.

Clause (12) [13] In the matter of regulation of water supply from irrigation works we consider that ~~from~~ against the orders passed, appeals should be provided for. This has been secured by the addition of a new sub-clause.

We would also recommend to Government that they may be pleased to frame rules in order that the enquiry under this section may be made in consultation with Panchayets or special committees formed for this purpose.

Clause (13) [14] The rates leviable for the supply of water from new irrigation works should in our view be in conformity with the present provisions, in respect of works constructed at an outlay of less than one lakh of rupees. and we have accordingly inserted a proviso to this clause

Clause (14) [15] We consider that it would be necessary to stop supply to prevent wastage or misuse of water and we have inserted a suitable sub-clause to secure this object.

Clause (15) [16] The whole of this clause has been recast and has been drafted on lines substantially similar to Section 15 of the Tank Panchayet Regulation 1911, as amended by Regulation III of 1931.

We would recommend to Government in this connection to provide rules so that the irrigation officer may exercise the powers under this section in consultation with the Tank Panchayets where such exist or special irrigation ~~committees~~ ^{panchayats or boards} to be formed for the purpose, and for which in a separate chapter provision has been proposed by us.

Chapter V. [V]

Clause (17) [25] We consider that the special provisions of this chapter should apply only to the construction and improvement of irrigation works and not to mere maintenance therefor. We have accordingly substituted the word "improvement" for the word "maintenance", in the heading of the chapter. We also consider that "improvement" in this Chapter should mean only such improvement of irrigation works as will ^{materially} enhance the supply of water available therein for irrigation and we have accordingly defined the expression "improvement".

It is necessary that the Government should have the power to exclude smaller irrigation works from the operation of this section and we have therefore included a sub-clause therefor.

or brought up to a standard and handed over to the raiyats for up-keep and accordingly we have recast this clause.

clause 28. [35] Since 'drainage works' are included in the definition of "Irrigation Works" we have omitted all references thereto. ~~in~~ ~~the~~

Sub-clause (ii) In respect of the commutation of customary labour, we consider that such commutation shall not be made except with the consent of two-thirds of the number of persons bound to perform such labour. We have accordingly inserted a proviso in this clause.

clause 30. [37] We consider that Government should be able to confer the power of executing work with hired labour on failure of customary labour on irrigation officers or officers other than the patel and we have accordingly amended this section suitably.

clause 32. [39] We are of opinion that the sum levied from the person failing to render customary labour should be the value of such labour and not in excess of it and have therefore deleted the words "a sum not exceeding twice" in the first para.

The Committee strongly feel that the Government should impress on their officers that tanks should be inspected regularly and that maintenance works should not be allowed to accumulate.

Chapter VIII. [X]

clause 33. [40] Sub-clause (vii). We consider the ^{provisions} ~~portions~~ of this clause somewhat drastic. A person committing the act should be given an opportunity to desist therefrom. Therefore, we have added the words "after he has been desired to desist therefrom" at the end of the sub-clause.

With regard to punishments, we are of opinion that some of the offences which are of less serious nature such as those mentioned in sub-clauses (vii), (viii), (ix) and (xi) should carry a lighter punishment. We have accordingly provided for such offences a fine which may extend up to Rs.50.

Clause 34. [47] We consider the penalty in this clause as very severe and that imprisonment should not be a part of the punishment. Accordingly, we have provided that the penalty should be merely a fine which may extend up to Rs.50.

Clause 35. [48] We have resolved to omit this clause since the provisions of the Criminal Procedure Code which regulate summary trials according to the nature of the offences and the powers of the trying Magistrate² are adequate.

Clause 36. [48] We consider that the power of a convicting magistrate to order the removal of the obstruction or the repair of the damage etc, should be confined only to cases where the conviction is under Section 33 of this Regulation and not where conviction is under the Penal Code. We have, accordingly omitted reference to the offences of mischief under the Penal Code. [46]

Clause 37. [49] We are of opinion that this power of recovering the cost of repairs from the persons benefitted by the damage when the offender is unascertainable, should be exercised only on the recommendation of Irrigation Panchayets after suitable enquiry by them. We have accordingly replaced the existing clause by a new one.

Clause 39. [51] The clause as worded invests an inferior official, the patel, with excessive powers and is somewhat

complicated. We have therefore decided that this clause be deleted and a clause similar to Section 34 of the Bombay Act be adopted.

Chapter IX. [X1]

Clause 40. [52] We are of opinion that where the order of the Deputy Commissioner is final, the power of revision should vest only in the highest appellate authority, viz., the Government, as in the present and other laws.

Clause 42 In view of the elaborate manner of service of notices provided for in this clause, we consider that the provisions of the Civil Procedure Code in the matter may be made applicable to such processes in this Regulation.

Clause 43. We consider that the jurisdiction of Civil Courts should be barred in respect of any matter dealt with in the provisions of Chapter V also. We have accordingly inserted it. [Signature]

We have adverted in Clause 15 to our reasons for recommending consultation bodies being made use of in the exercise of certain powers under the Regulation. Consistently with those proposals we have drafted a chapter for dealing with the constitution and working of Irrigation Panchayets and Boards.

Finally, We feel that the persons affected by the new measure should be compensated for damages, if any, excessive resulting from the exercise of the powers vested in officers under the Regulation. We have accordingly provided for a separate chapter for award of compensation in certain ^{cases} areas.

Since sub-clause (1) which empowers the Govt to frame rules is general and comprehensive and since sub-clause (2) only a few of the matters to be regulated by rules is mentioned we consider it unnecessary to retain sub-clause (3).
B.K.M.10

(2) and have accordingly deleted it.

As the Bill was under consideration, we have therefore decided that this considerable change in the room need clause be deleted and a clause similar to section 4 of

was the Bill as amended by us may be published Chapter 12

We are of opinion that where the order of the Deputy Commissioner is final, the power of revision should vest only in the highest appellate authority, viz., the Government as is the practice in other laws.

Instead of the elaborate manner of service of notices provided for in this clause, we consider that the provisions of the Civil Procedure Code in the matter may be made applicable to such processes in this Regulation.

We consider that the jurisdiction of Civil Courts should be barred in respect of any matter dealt with in the provisions of chapter V also. We have accordingly inserted it.

We have adverted in clause 13 to our reasons for recommending certain bodies being made use of in the exercise of certain powers under the Regulation. Consistently with these proposals we have drafted a chapter for dealing with the constitution and working of litigation Panchayats and Boards.

Finally, we feel that the persons affected by the new measure should be compensated for damages, if any, resulting from the exercise of the powers vested in officers under the Regulation. We have accordingly provided for a separate chapter for award of compensation in certain cases.

13 11 31
Ramesh Rao
Du

The Mysore Irrigation Bill.

◆◆◆◆◆

We, the undersigned, members of the Select Committee to which the Mysore Irrigation Bill was referred, have considered the Bill and have the honour to submit this our Report, with the Bill as amended by us annexed hereto.

The marginally noted gentlemen from the Representative Assembly were invited to attend the meetings of the Committee and they took part in our deliberations and rendered us great assistance in considering the provisions of the Bill.

There were seven meetings in all, which continued over 9 days. The first meeting was presided over by Rajamantrapravina O.S. Balasundaram Iyer, ~~the~~ second by Mr. S.P. Rajagopalachari, Revenue Commissioner, in the absence of the Member, and the subsequent meetings by Rajamantrapravina K. Matthan. ~~(X)~~

The scheme of the Bill is based on the model of the Bombay Irrigation Act. We find ourselves in agreement with most of the provisions contained in the Bill. The Committee was opposed to the compulsory impressment of materials in cases of emergency and the provisions relating thereto have been deleted.

It was also the general sense of the Committee that a chapter on the "Award of Compensation" for damages that may be caused by acts done in the exercise of powers under this Regulation and another in regard to the "Construction of Irrigation Panchayets and Boards" should be provided.

Mr. K. Chengalaroya Reddy, one of the ~~members~~ ^{members} of the
R. Sarasakta Divan Bahadur who attended six meetings of the
Committee.
1. Mr. K. R. Seshachar (has not signed this report
as he resigned ^{his} membership of the Council on retirement
service) has been

of *wishes to assist the Committee*
members ~~from~~ the Representative Assembly sent a draft of
a chapter on the Award of Compensation and it has been
adopted by us
~~accepted~~ with some modifications.

Another chapter on Irrigation ranchayats has been
newly inserted by us.

In this report we deal only with those provisions
of the Bill which we consider *special mention* require amendment. Some other
minor alterations which are *mostly* ~~merely~~ verbal have been indicated
in the Bill annexed hereto.

The following notes on clauses explain the amendments
which we have made in the Bill.

Note. Figures in it also show the numbering of sections
Chapter I. ~~(1)~~ *in the Bill as amended.*

Clause 3. ~~(1)~~ *Amendments and* In the definition of "Irrigation work"
we have included Talaparigos, ~~and added the same~~ in sub-
clause (2) in the definition of "New Irrigation work".

We consider that the definition of "New Irrigation
work" would be incomplete without including extensions of
irrigation works made after this Regulation comes into force,
and accordingly this has been inserted.

It is unnecessary in our view to define the term
"Labourer" as under Clause (23) ^[3/] the class of persons who
can be compelled to work has been clearly explained.

Term
We consider it necessary to define the ~~word~~ "Occupier"
so as to include a tenant and this has been inserted.

of
As regards the definition "Magistrate" we are of
opinion that Revenue Officers who are ex-officio Magistrates
should not be empowered by Government to try offences under
the Regulation.

*We have included a definition of Amildar
so as to include a Deputy Amildar*

we consider that the procedure regarding notice as laid down in this clause would cause some inconvenience. We have therefore provided that reasonable notice in ~~xxx~~ writing is necessary in all cases except in cases of emergency.

Chapter III. ~~Part V~~

Clause (8) ~~[10]~~ The time limit allowed for preferring an appeal should in our opinion count from the date of the service of the order and we also consider that a second appeal to the Revenue Commissioner should ~~also~~ be provided. The clause has for this end been suitably revised.

Clause (10) ~~[10]~~ We ~~xx~~ consider it desirable that a new section as in & Section 26 of the Bombay Act may, with necessary changes, be introduced for the settlement of disputes of persons interested in water courses, and a suitable sub-clause has accordingly been added.

Chapter IV. ~~Part V~~

Clause (12) ~~[13]~~ In the matter of regulation of water supply from irrigation works we consider that ~~from~~ ^{from} the orders passed, appeals should be provided for. This has been secured by the addition of a new sub-clause.

We ~~was~~ also recommend to Government that they may be pleased to frame rules in order that the enquiry under this section may be made in consultation with Panchayets or special committees formed for this purpose.

Clause (13) ~~[4]~~ The rates leviable for the supply of water from new irrigation works should in our view be in conformity with ^{of the Mysore Land Revenue Code} ~~the present provisions~~ ^{other than extensions} in respect of works constructed at an outlay of less than one lakh of rupees, ~~xxxxxxxxxxxx~~ ^{added} and we have accordingly ~~inserted a proviso~~ ^{sub} to this clause

Clause (14) [15] We consider that it would be necessary to step supply to prevent wastage or misuse of water and we have inserted a suitable sub-clause to secure this object.

Clause (15) [16] The whole of this clause has been recast and has been drafted on lines substantially similar to Section 15 of the Tank Panchayet Regulation 1911, as amended by Regulation III of 1931.

We would recommend to Government in this connection to provide rules so that the irrigation officer may exercise the powers under this section in consultation with the Tank Panchayets where such exist or special irrigation ~~committees~~ *panchayats or boards* to be formed for the purpose, and for which ~~in~~ *in a separate chapter* a separate chapter provision has been proposed by us.

X X

Chapter V. [17]

Clause (17) [25] We consider that the special provisions of this Chapter should apply only to the construction and improvement of irrigation works and not to mere maintenance therefor. We have accordingly substituted the word "improvement" for the word "maintenance", in the heading of the chapter. We also consider that "improvement" in this Chapter should mean only such improvement of irrigation works as will ^{materially} enhance the supply of water available therein for irrigation and we have accordingly defined the expression "Improvement".

It is necessary that the Government should have the power to exclude smaller irrigation works from the operation of this section and we have therefore included a sub-clause therefor.

ause (21) [29] According to the rules now existing the contribution in respect of lands converted into wet should not exceed one-third of the difference between the value of the wet and dry lands in the locality and we have therefore amended sub-clause (2) in conformity with the present rules.

Sub-clause (3) has been revised with a view to provide for the revision of water rates after a period of 10 years in the first instance, and thereafter at intervals of not less than 15 years.

In order that the water rate at each revision might not be arbitrarily increased, we would recommend to Government that in framing the rules, it should be provided that the rate of increase at each revision should not exceed 25% of what it was. ~~25~~

CHAPTER VI. [VII]

Clause (23) [31] We consider that even in case of emergencies, it is unnecessary to impress materials compulsorily. Accordingly, we have deleted from this Chapter (Clause 23 sub-clause (2) and Clause 25)-- the provisions relating thereto.

We are of opinion that only the labour of able bodied male persons should be impressed and accordingly we have substituted the words 'able-bodied male persons' for the word 'labourers' in para (iv) of sub-clause (i)

Clause (25) [31] It is necessary that an order made under section 23 ^{xi} should be immediately reported to the Deputy Commissioner and we have accordingly inserted it as Clause ^{a subclause under} 23 [31] on the lines of Section 60 of the Bombay Act.

CHAPTER VII. [VIII]

Clause (27) [34] We consider that the scope of this chapter should be limited to such irrigation works as have been constructed

Messrs K.R. Gopinadaswami, H.C. Dasappa,
Bharu Gopinadaswami, and H.B. Gundappa
desire that this should find a place in the Regulation

or brought up to a standard and handed over to the raiyats for up-keep and accordingly we have recast this clause.

Clause 28. [35] Since 'drainage works' are included in the definition of 'irrigation works' we have omitted all references thereto.

Sub Clause (ii) In respect of the consultation of customary labour, we consider that such consultation shall not be made except with the consent of two-thirds of the number of persons bound to perform such labour. We have accordingly inserted a proviso in this clause.

Clause 30. [37] We consider that Government should be sole to confer the power of executing work with hired labour on holders of customary labour on irrigation officers or officers other than the patel and we have accordingly amended this section suitably.

Clause 32. [39] We are of opinion that the sum levied from the person failing to render customary labour should be the value of such labour and not in excess of it and have therefore deleted the words 'a sum not exceeding twice' in the first para.

The Committee strongly feel that the Government should impress on their officers that tanks should be inspected regularly and that maintenance works should not be allowed to accumulate.

Chapter VIII. [X]

33. [46] Sub-clause (vii). We consider the provisions of this clause somewhat drastic. A person committing the act should be given an opportunity to desist therefrom. Therefore, we have added the words 'after he has been desired to desist therefrom' at the end of the sub-clause. /

With regard to punishments, we are of opinion that some of the offences which are of less serious nature such as those mentioned in sub-clauses (vii), (viii), (ix) and should -- carry a lighter punishment. We have accordingly provided for such offences a fine which may extend up to Rs.50/-.

Clause 34. [47] We consider the penalty in this clause as very severe and that imprisonment should not be a part of the punishment. Accordingly, we have provided that the penalty should be merely a fine which may extend up to Rs.50/-

Clause 35. We have resolved to omit this clause since the provisions of the Criminal procedure code which regulate summary trials according to the nature of the offences and the powers of the trying Magistrates are adequate.

Clause 36. [48] We consider that the power of a convicting magistrate to order the removal of the obstruction or the repair of the damage etc., should be confined only to cases where the conviction is ^[46] under Section 33 of this Regulation and not where conviction is [^] under the Penal Code. We have accordingly omitted reference to the offences of mischief under the Penal Code

Clause 37. [49] We are of opinion that this power of recovering the cost of repairs from the persons benefitted by the damage when the offender is unascertainable should be exercised only on the recommendation of Irrigation Panchayats after suitable enquiry by them. We have accordingly replaced the existing clause by a new one.

Clause 39. [51] The clause as worded invests an inferior official, the -- patel, with excessive powers and is somewhat

P.T.O.

complicated. We have therefore decided that this clause be deleted and a clause similar to Section 84 of the Bombay Act be adopted.

Chapter IX. [81]

Clause 40. [52]

We are of opinion that where the order of the Deputy Commissioner is final, the power of revision should vest only in the highest appellate authority, viz., the Government, ~~as is the practice in other laws.~~

Clause 42. [54] ^{alt} Instead of the elaborate manner of service of notices provided for in this clause, we consider that the provision of the Civil Procedure Code in the matter may be made applicable to such processes in this regulation.

Clause 43. [55] We consider that the jurisdiction of Civil Courts should be barred in respect of any matter dealt with in the provisions of Chapter ^V [VI] also. We have accordingly inserted it.

We have adverted in Clause 15 to our reasons for recommending consultative bodies being made use of in the exercise of certain powers under the Regulation. Consistently with those proposals we have drafted a chapter for dealing with the constitution and working of Irrigation Panchayets and Boards.

~~Finally~~ We feel that the persons affected by the new ~~new~~ measure should be compensated for damages, if any, resulting from excessive exercise of the powers vested in officers under the Regulation. We have accordingly provided for a separate chapter for award of compensation in cases in cases.

Clause 44. [57]

Since subclause (1) which empowers the Government to frame rules is general and comprehensive and since in subclause (2) only a few of the matters to be regulated by rules is mentioned, we considered it unnecessary to retain subclause (2) and have accordingly deleted it.

As the Bill has undergone
considerable changes, we recommend
that the Bill as amended by us
may be published.

REPORT OF THE SELECT COMMITTEE APPOINTED
TO CONSIDER THE MYSORE IRRIGATION BILL.

We, the undersigned, members of the
Select Committee to which the ^{Uysoor} Irrigation
Bill was referred, have considered the
Bill and have the honour to submit this
our Report, with the Bill as amended by us
annexed hereto.

The marginally noted members
further ^{from the R.A.} are invited
~~on behalf of the R.A.~~ to
attend the meetings
of the Committee and
they took part in our
deliberations and
rendered us great
assistance in considering
the provisions of the Bill

There were ^{seven} ~~one~~ meetings in all, conti-
nued over ^{seven} days. The first meeting
was presided over by Rajamantrapravina
C.S. Balasundaram Iyer; the second by
^{Asst Commr in the absence of the Commr}
Mr. S.P. Rajagopalachari and the subsequent
meetings by Rajamantrapravina K. Matthan.

The scheme of the Bill is based on
the model of the Bombay Irrigation Act.
We find ourselves in agreement with most
of the provisions contained in the Bill.
The Committee was opposed to the compulsory
impressment of materials in cases of
emergency and the provisions ^{relating thereto} ~~thereof~~ have
been deleted.

It was ^{also} the general sense of the Commit^e
that a chapter on the ^{of} Award of Compensation
for damages that may be caused by acts done
~~contained~~ in the exercise of powers under
this Regulation and another in regard to
the ^{of} Constitution of Irrigation Panchayets
and Boards should be provided.

Mr. K. Chengalaroya Reddy, ^{one of the} ~~a~~ co-opted

members from the Representative Assembly sent a draft of a chapter on the ⁵Award of Compensation and it has been accepted with some modifications.

Another chapter on Irrigation Panchayet ~~has been newly~~ ^{has been newly} ~~was got drafted and~~ inserted by us.

In this ~~our~~ Report,

~~we~~ deal only with those provisions of the Bill which we consider require amendment. ^{Some} ~~The~~ ^{alterations} ~~proposed~~ other minor ^{amendments} ~~have~~ been indicated in the Bill annexed hereto

~~which~~ ^{are} ~~newly~~ ^{verbally} indicated in the Bill annexed hereto

The following notes on clause explain the amendments which are made in the Bill.

CHAPTER I.

Clause 3. In the definition of "Irrigation Work" we have included Talapariges, and added the same ~~thing~~ in sub-clause (2) in the definition of "New Irrigation Work".

We consider that the definition of "New Irrigation Work" would be incomplete without including extensions of irrigation works made after this Regulation comes into force, and accordingly this has been inserted.

^{is} ~~It was considered unnecessary~~ ^{in our view} to define "Labourer" as under Clause (28) the class of persons who can be compelled to ~~do~~ work has been clearly explained.

So as to include tenant,

We consider it necessary to define the word "Occupier" and this has been ^{inserted} included.

~~As~~ ⁱⁿ regard to the definition "Magistrate", we are of opinion that Revenue Officers who are ex-officio Magistrates

should not be empowered to try offences under the Regulation.

CHAPTER II.

Clause (7)

We consider that the procedure regarding notice as laid down in this clause would cause some inconvenience. We have therefore provided that reasonable notice in writing is necessary in all cases except in cases of emergency.

CHAPTER III.

Clause (8)

limit
~~We are of opinion that~~ The time allowed for appeal should count from the date of the service of the order and that a second appeal to the Revenue Commissioner should also be provided. *the clause has for this end been suitably revised.*

Clause (10)

We consider it desirable that a new section as in Section 26 of the Bombay Act may, with necessary changes, be introduced for the settlement of disputes of persons interested in water courses, and a suitable sub-clause has accordingly been ~~inserted~~ *added*.

CHAPTER IV.

Clause (12)

~~We are of opinion that~~ In the matter of regulation of water supply from irrigation works ~~we consider that~~ against the orders passed, appeals should be provided for. This has been secured by the addition of a new sub-clause.

also
We would recommend to Government that they may be pleased to frame rules in order that the enquiry under this section may be ~~made~~ *done* in consultation with Panchayat.

~~done in consultation with Panchayats~~ or
special committees formed for this purpose.

Clause (13)

~~We consider that~~ The rates leviable
for the supply of water from new irrigation
works should ^{in our view} be in conformity with the pre-
sent provisions in respect of works cons-
tructed at an outlay of less than one lakh
of rupees, and have accordingly inserted
a proviso to this clause.

Clause (14)

We consider that it would be necessary
to stop supply to prevent wastage or misuse
of water and we have inserted a suitable
sub-clause to secure this object.

Clause (15)

The whole of this clause has been recast
and ^{has been} ~~we have~~ drafted ^{on lines} ~~a clause~~ substantially
similar to Section 15 of the Tank Panchayet
Regulation ^{1911, as amended by Regulation} ~~III~~ of 1931. ^{in this Council}

We would recommend to Government to
provide rules so that the irrigation officer
may exercise the powers under this section
in consultation with the Tank Panchayets
where such exist or special irrigation com-
mittees to be formed for the purpose, and
for which ⁱⁿ a separate chapter ^{provision} has been pro-
posed ^{by us}.

Clause (16)

~~We consider~~ ^{Chapter 6} ~~that the special provisions~~
of this Chapter should apply only to the
construction and improvement of irrigation
works and not to mere maintenance therefor.
We have accordingly substituted the word
"improvement" ^{for the word} ~~the word~~ of "maintenance", ⁱⁿ
~~the heading of the Chapter~~
We also consider that "improvement" in

this Chapter should mean only such improvement of irrigation works as will enhance the supply of water available therein for irrigation and we have accordingly defined the expression 'improvement'

We consider it necessary that the Government should have the power to exclude smaller irrigation works from the operation of this section and have therefore included a sub-clause therefor.

Clause(21)

~~proposed~~
amending the present rule now in force
We consider that the contribution ~~in respect of land~~ ^{leviable} under this section should not exceed one-third of the difference between the value of the wet and dry lands in

the locality ~~which is the present rule,~~

^{therefore} We have suitably amended sub-clause (2)

Sub-clause (3) has been ^{revised} ~~corrected~~ with a view to provide for the revisions of water rates after a period of 10 years in the first instance, and thereafter ~~afterwards~~ ^{periods of not less than} ~~period of~~ 15 years.

In order that the water rate ~~ex~~ at each revision might not be arbitrarily increased, we would recommend to Government that in framing the rules, it should be provided that the rate of increase at each revision should not exceed 25% of what it was.

CHAPTER VI.

Continued

Clause 28.

We have ~~proposed~~ provided that even in case of emergencies, it is unnecessary to impress

materials compulsorily. Accordingly, we have deleted from this Chapter -- (Clause 23 sub-clause (2) and Clause 25) -- the provisions relating thereto.

We are of ~~the~~ opinion that only the labour of able-bodied male persons should be impressed and accordingly we have substituted the words 'able-bodied male persons' for ~~the~~ ^{word} 'labourers' in para (iv) of sub-clause (i).

Clause 25.

~~We~~ ^{It is} ~~was~~ considered necessary that an order made under Section 23 should be immediately reported to the Deputy Commissioner, and we have accordingly inserted ~~it~~ as Clause 25 on the lines of Section 60 of the Bombay Act.

CHAPTER VII.

Clause 27.

We consider that the scope of this chapter should be limited to such irrigation works ^{as} ~~which~~ have been constructed or brought up to a standard and handed over to the raiyats for up-keep and accordingly we have recast this clause.

Clause 28.

Since ~~the~~ 'drainage works' are included in the definition of X "Irrigation Works" we have omitted all references thereto in this chapter.

Sub-clause (ii) In respect of the commutation of customary labour, we consider that such commutation shall not be made ~~except~~ ^{sith} the consent of two-thirds of the number of persons bound to perform such labour. We have accordingly inserted a proviso in this clause.

Clause 30.

We consider that Government should be able to confer the power of executing work with hired labour on failure of customary labour on officers other than the patel or the irrigation officer, and we have accordingly amended this Section suitably.

Clause 32.

We are of opinion that the sum levied from the person failing to render customary labour should be the value of such labour and not in excess of it, & We have therefore deleted the words "a sum not exceeding twice" in the first para.

The Committee strongly feel that the Government should impress on their officers that tanks should be inspected regularly and that maintenance work, should not be allowed to accumulate.

CHAPTER VIII.

Clause 33.

penalty. ~~words of this~~ Sub-clause (vii). We consider ~~clause as amended~~ somewhat drastic. A person committing the act should be given an opportunity to desist therefrom. Therefore, we have added the words "after he has been desired to desist therefrom" at the end of the sub-clause.

With regard to punishments, we are of opinion that some of the offences which are of less serious nature such as those mentioned in sub-clauses (vii), (viii), (ix) and (xi) should carry a lighter punishment. We have accordingly provided for such offences a fine which may extend up to Rs. 50.

Clause 34.

We consider the penalty in this clause

as very severe and that imprisonment should not be a part of the punishment. Accordingly, we have provided that the penalty should be merely a fine which may extend up to Rs. 50.

Clause 35.

~~It was~~ ^{we have} resolved to omit this ~~section~~ ^{clause} since the provisions of the Criminal Procedure Code ~~are~~ which regulate the summary trials according to the nature of the offences and the powers of the trying Magistrate, are adequate.

Clause 36.

We consider that the power of a convicting magistrate ~~should~~ to order the removal of the obstruction or the repair of the damage etc., should be confined only to cases where the conviction is under Section 33 of this Regulation and not where conviction is under the Penal Code. We have, accordingly omitted reference to the offences of mischief under the Penal Code.

Clause 37.

We are of ~~the~~ opinion that this power of recovering the cost of repairs from the persons benefitted by the ~~offences~~ damage when the offender is unascertainable, should be exercised only on the recommendation of Irrigation Panchayets after ~~such~~ suitable enquiry by them. We have accordingly replaced the existing clause by a new ~~one~~ ^{one}.

Clause 39.

~~As the proposed clause~~ ^{the} ~~invest~~ ^{as were} an inferior official; the patel, with excessive powers and is somewhat complicated ~~we have~~ ^{therefore} decided that this clause be deleted

and a ~~section~~ ^{clause} similar to Section 64 of the Bombay Act be adopted.

सिद्धहस्त

CHAPTER IX.

Clause 41.

We are of ~~the~~ opinion that ~~where~~ where the order of the Deputy Commissioner is final, the power of revision should vest ^{appellate} only in the highest authority, viz., the Government, as is the practice in other laws.

Clause 42.

Instead of the elaboration ^e of the manner of service of notices ^{provided for} in this clause, we consider that the provisions of the Civil Procedure Code in ~~regard to~~ ^{make} the ~~service of~~ notices may be made applicable to such processes in this Regulation.

Clause 43.

We consider that the jurisdiction of Civil Courts should be barred in respect of any matter dealt with in the provisions of Chapter V also. We have accordingly inserted it.

We have ~~inserted~~ ⁱⁿ Cl 15th as our reasons for recommending consultation bodies being made use of in the exercise of certain powers under the Regⁿ. Consistently with those proposals we have drafted a chapter for dealing with the constitution & working of Irrigation Panchayats and Moenads.

We record ^{our} appreciation of the valuable advice tendered in the discussions by the six members co-opted from the Representative Assembly.

Finally, we feel that the ^{persons} ~~agriculturalists~~ ^{affected by} the new measure should be ^{compensated for} ~~reimbursed~~ ^{for} damages, if any, resulting from the excessive exercise of the powers vested in officers under the Regulation. We have accordingly provided ^{a separate chapter} for award of compensation in certain cases.

B. K. GARUDACHAR.

BANGALORE CITY. 210
16-11-1931.

In signing the select committee
report of irrigation Bill, I
am also of opinion that
the rate of increase at each
revision should not exceed
25% of what it was, should
be included in the Bill
itself.

Yours faithfully
B. K. Garudachar

Section

File No.

Serial No.

Diary No. of letter replied to

No.

2805

To

Notification

General and Revenue Secretariat

the

193

Date of issue

7/11/31

Signed by

M^r C. S. J.

Under S.O. 49 of the
Standing Orders for the
conduct of business of the
Legislative Council
the following Report of
the Select Committee on
the Mysore Irrigation Bill
is published for general
information with the
Bill as amended by them

My Clerk

List of enclosures

L. S. J. to Govt.

Copied by

End of H.

Examined by

To the compiler, Mys Gazette
for publication in P.V. in Eng &
Kannada & for supplying 100 copies in
Eng & 50 in Kannada to this Office

WD 71—GBPM—40,000—20-7-31.

Copy to Translation Section

Done
2/11/31

IMMEDIATE.

D.O. No. P 2753

212
GENERAL AND REVENUE SECRETARIAT

Dated, Bangalore, 14th November 1931

Dear Sir,

I am desired to forward herewith for favour of approval and return the report of the Select Committee appointed to consider the Mysore Irrigation Bill and to state that the said report was approved by the members present at the meeting held on 11th November 1931. I request that it may be returned today itself, if possible, as it has to be sent to others..

Yours sincerely,

Chidambaram Iyer

S.Hiriannaiya, Esq., M.A., B.L.,
Revenue Commissioner in Mysore.

Report of the Select Committee appointed to consider
The Mysore Irrigation Bill.

We, the undersigned, members of the Select Committee to which the Mysore Irrigation Bill was referred, have considered the Bill and have the honour to submit this our Report, with the Bill as amended by us annexed hereto.

The marginally noted gentlemen from the Representative Assembly were invited to attend the meetings of the Committee and they took part in our deliberations and rendered us great assistance in considering the provisions of the Bill.

There were seven meetings in all, which continued over 9 days. The first meeting was presided over by Rajamantrapravina C.S. Balasundaram Iyer, ^{the} and second by Mr. S. P. Rajagopalachari, Revenue Commissioner in the absence of the Member and the subsequent meetings by Rajamantrapravina K. Matthan.

X X X X X
The scheme of the Bill is based on the model of the Bombay Irrigation Act. We find ourselves in agreement with most of the provisions contained in the Bill. The Committee ^{however} was opposed to the compulsory impressment of materials in cases of emergency and the provisions relating thereto have been deleted.

It was also the general sense of the Committee that a chapter on the "Award of Compensation" for damages that may be caused by acts done in the exercise of powers under this Regulation and another in regard to the "Constitution of Irrigation Panchayets and Boards" should be provided.

Mr. K. Chengalaroya Reddy, one of the co-opted ^{the} ~~the~~ ^{who attended 6 meetings} ~~the~~ ^{Committee} ~~the~~ ^{has not signed this report} ~~the~~ ^{as he resigned his membership} ~~the~~ ^{retirement} ~~from service~~ ^{from service}

the members ~~from~~ ^{of} the Representative Assembly sent a draft of a chapter on the Award of Compensation and it has been ~~accepted~~ ^{accepted} with some modifications.

Another chapter on Irrigation Panchayets has been newly inserted by us.

In this ^{report} we deal only with those provisions of the Bill which we consider require ~~amendment~~ ^{amendment}. Some other minor alterations which are ~~merely~~ ^{mostly} verbal have been indicated in the Bill annexed hereto.

The following notes on clauses explain the amendments which we have made in the Bill.

Note. Figures in Italics show the numbering of Sections in the bill as amended.

Chapter I.

Clause 3³ In the definition of "Irrigation Work" we have included ~~Talapariges, and added the same in~~ ^{Talapariges, and added the same in}

in sub-clause (2) in the definition of "New Irrigation Work"

We consider that the definition of "New Irrigation Work" would be incomplete without including extensions of irrigation works made after this Regulation comes into force, and accordingly this has been inserted. ↑

It is unnecessary in our view to define the term "Labourer" as under Clause ^[31] ~~(23)~~ the class of persons who can be compelled to work has been clearly explained.

We consider it necessary to define the ^{word} ~~term~~ "Occupier" so as to include a tenant and this has been inserted.

As regards the definition of "Magistrate", we are of opinion that Revenue Officers who are ex-officio Magistrate should not be empowered by Government to try offences under the Regulation.

We have added a definition of "Magistrate" so as to include a Revenue Officer.

Chapter II.

Clause (7)

We consider that the procedure regarding notice as laid down in this clause would cause some inconvenience. We have therefore provided that reasonable notice in writing is necessary in all cases except in cases of emergency.

Chapter III.

Clause (8)

The time limit allowed for preferring an appeal should in our opinion count from the date of the service of the order and we also consider that a second appeal to the Revenue Commissioner should also be provided. The clause has for this end been suitably revised.

Clause (10)

We consider it desirable that a new section as in Section 26 of the Bombay Act may, with necessary changes, be introduced for the settlement of disputes of persons interested in water courses, and a suitable sub-clause has accordingly been added.

Chapter IV.

Clause (12) [13]

In the matter of regulation of water supply from irrigation works we consider that ~~the~~ the orders passed, appeals should be provided for. This has been secured by the addition of a new sub-clause.

We ~~will~~ also recommend to Government that they may be pleased to frame rules in order that the enquiry under this section may be made in consultation with Panchayets or special committees formed for this purpose.

Clause (13) [14]

The rates leviable for the supply of water from new irrigation works should in our view be in conformity with the present provisions, in respect of works constructed at an outlay of less than one lakh of rupees; and we have accordingly ~~inserted a proviso to this clause~~ ^{added a sub-clause}

This need not apply in respect of

of the type cannot be done (1913-15)

added a sub-clause

Clause (14) [15] We consider that it would be necessary to stop supply to prevent wastage or misuse of water and we have inserted a suitable sub-clause to secure this object.

Clause (15) [16] The whole of this clause has been recast and has been drafted on lines substantially similar to Section 15 of the Tank Panchayet Regulation 1911, as amended by Regulation III of 1931.

We would recommend to Government in this connection to provide rules so that the irrigation officer may exercise the powers under this section in consultation with the Tank Panchayets where such exist or special irrigation ^{committees} ~~committees~~ to be formed for the purpose, and for which in a separate chapter provision has been proposed by us.

Chapter V. [VI]

Clause (17) [25] We consider that the special provisions of this Chapter should apply only to the construction and improvement of irrigation works and not to ~~mere~~ maintenance therefor. We have accordingly substituted the word "improvement" for the word "maintenance", in the heading of the chapter. We also consider that "improvement" in this Chapter should mean only such improvement of irrigation works as will enhance ^{materially} the supply of water available therein for irrigation and we have accordingly defined the expression "Improvement".

It is necessary that the Government should have the power to exclude smaller irrigation works from the operation of this section and we have therefore included a sub-clause therefor.

② Messrs K.R. Lingaswami, N.C. & Ashok, Bahu Swinasingh + H.B. Gundappa founda desire that this should find a place in the Regulation

or brought up to a standard and handed over to the raiyats for up-keep and accordingly we have recast this clause.

Clause 28. [35] Since 'drainage works' are included in the definition of "Irrigation Works" we have omitted all references thereto. ~~km &~~

Sub-clause (ii) In respect of the commutation customary labour, we consider that such commutation shall not be made except with the consent of two-thirds of the number of persons bound to perform such labour. We have accordingly inserted a proviso in this clause.

Clause 30. [37] We consider that Government should be able to confer the power of executing work with hired labour on failure of customary labour on irrigation officers or officers other than the patel and we have accordingly amended this Section suitably.

Clause 32. [39] We are of opinion that the sum levied from the person failing to render customary labour should be the value of such labour and not in excess of it and have therefore deleted the words "a sum not exceeding twice" in the first para.

The Committee strongly feel that the Government should impress on their officers that tanks should be inspected regularly and that maintenance works should not be allowed to accumulate.

Chapter VIII. [X]

Clause 33. [46] Sub-clause (vii). We consider the ~~portions~~ ^{provisions} of this clause somewhat drastic. A person committing the act should be given an opportunity to desist therefrom. Therefore, we have added the words "after he has been desired to desist therefrom" at the end of the sub-clause.

With regard to punishments, we are of opinion that some of the offences which are of less serious nature such as those mentioned in sub-clauses (vii), (viii), (ix) and (xi) should carry a lighter punishment. We have accordingly provided for such offences a fine which may extend up to Rs.50.

Clause 34. [47] We consider the penalty in this clause as very severe and that imprisonment should not be a part of the punishment. Accordingly, we have provided that the penalty should be merely a fine which may extend up to Rs.50.

Clause 35. We have resolved to omit this clause since the provisions of the Criminal Procedure Code which regulate summary trials according to the nature of the offences and the powers of the trying Magistrate, are adequate.

Clause 36. [48] We consider that the power of a convicting magistrate to order the removal of the obstruction or the repair of the damage etc, should be confined only to cases where the conviction is under Section 33 of this Regulation and not where conviction is under the Penal Code. We have, accordingly omitted reference to the offences of mischief under the Penal Code.

Clause 37. [49] We are of opinion that this power of recovering the cost of repairs from the persons benefitted by the damage when the offender is unascertainable, should be exercised only on the recommendation of Irrigation Panchayets after suitable enquiry by them. We have accordingly replaced the existing clause by a new one.

Clause 39. [51] The clause as worded invest an inferior official, the patel, with excessive powers and is somewhat

complicated. We have therefore decided that this clause be deleted and a clause similar to Section 64 of the Bombay Act be adopted.

Chapter 1A:

Clause 40. [52] We are of opinion that where the order of the Deputy Commissioner is final, the power of revision should vest only in the highest appellate authority, viz., the Government as is the practice in other laws.

Clause 42. [54] Instead of the elaborate manner of service of notices provided for in this clause, we consider that the provisions of the Civil Procedure Code in the matter may be made applicable to such processes in this Regulation.

Clause 43. [55] We consider that the jurisdiction of Civil Courts should be barred in respect of any matter dealt with in the provisions of Chapter ^V also. We have accordingly inserted it.

We have adverted in Clause 15 to our reasons for recommending consultation bodies being made use of in the exercise of certain powers under the Regulation. Consistently with these proposals we have drafted a chapter for dealing with the constitution and working of Irrigation Panchayets and Boards.

Finally, we feel that the persons affected by the new measure should be compensated for damages, if any, resulting from the ^{excessive} exercise of the powers vested in officers under the Regulation. We have accordingly provided for a separate chapter for award of compensation in certain areas.

10/10/51 R. K. M. 10
Since sub clause (1) which empowers the Govt to frame rules is general & comprehensive & since in sub clause (2) only a few of the matters to be regulated by rules is mentioned, we consider it unnecessary to retain sub clause (2) & have accordingly deleted it.

as ~~now~~ the bill has ~~been~~
 considered and ~~it~~
 chapter ~~is~~ ~~in~~ ~~the~~ ~~amended~~ ~~bill~~ may be
 published.
~~the~~ ~~amended~~ ~~bill~~

Mattar

Fish - 2

J. S. Desappa.

S. H. Channarayana.

J. S. Desappa

M. S. Desappa

11.11.31

D. S. Desappa

11.11.31

B. S. Desappa

11.11.31

L. S. Desappa

12.11.31

K. S. Desappa

14/11/31

M. S. Desappa

16/11/31

SUBJECT ..

Section *Lugg's*

File No. *32-3A*

Serial No. *1*

Diary No. of letter replied to

No. *Pol. 675 E/2*

To *The Secy to the*

Hon'ble the Resident

Secy,

General and Revenue Secretariat

()

the

193

Date of issue *21/12/31*

*With refer to the
correspondence ending with
your letter NO 11608/364-1-7-44*

Signed by *Wm A. M.*

Dated 12. 12. 1929, Re the

Legume Immigration Bill,

I am directed to forward

herewith two copies of

the Report of the Select

Committee thereon together

with the Bill as amended

by them and to state

that the Bill and the

S. C Report were considered

by the Legislative Council

List of enclosures

Copied by

Examined by

at the meeting held on
14.12.1931. The Bill was ^{and} ~~passed~~
~~further ~~was~~ modified~~
by certain ^{further} amendments
proposed in the Council
and the same are embodied
in the copies herewith
enclosed.

I am to request you
to be so good as to
obtain the consent of the
Govt of India to pass
the Bill into law early.

I have etc.

Yr

Chief Secy to Govt

6/12/31

Done
17/12

18th December 1931.

N. MADHAVA RAO, Esq., B.A., B.L.,
Chief Secy.

To Secy to Resident

With reference to the correspondence ending with your letter No. 11608/364-1929 dated 12th December 1929, re: the - Mysore Irrigation Bill, I am directed to forward herewith two copies of the report of the Select Committee thereon together with the Bill as amended by them and to state that the Bill and the Select Committee report were considered by the Legislative Council at the meeting held on 14th December 1931. The Bill was adopted with certain further amendments proposed in the Council and the same are embodied in the copies herewith enclosed.

I am to request you to be so good as to obtain the consent of the Government of India to pass the Bill into Law early.

I have the honour to be,

Sir,

Your most obedient servant,

My
Chief Secretary to Government.

Sc

BML.2.

NOTIFICATION.

N. P. 2805 (2)—*Legis., dated 17th November 1931.*

Under Standing Order 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee on the Mysore Irrigation Bill is published for general information with the Bill as amended by them.

By Order,
H. V. RAMASWAMI,
*Secretary to Government,
General Department.*

Report of the Select Committee Appointed to consider the Mysore Irrigation Bill.

We, the undersigned members of the Select Committee to which the Mysore Irrigation Bill was referred, have considered the Bill and have the honour to submit this, our Report with the Bill as amended by us annexed hereto.

The marginally noted gentlemen from the Representative Assembly were invited to attend the meetings of the Committee and they took part in our deliberations and rendered us great assistance in considering the provisions of the Bill.

Mr. K. Chengalaraya Reddi, B.A., B.L.	
Mr. D. S. Mallappa.	
Dharmapravartha M. L. Nagappa	
Setty.	
Mr. J. Mahomed Imam, B.A., B.L.	
Lokahithaishi H. Nanjundaraj Urs.	
Mr. B. Gopalachar.	

There were seven meetings in all which continued over nine days. The first meeting was presided over by *Rajamantrapravina* C. S. Balasundaram Iyer, the second by Mr. S. P. Rajagopalachari, Revenue Commissioner, in the absence of the Member, and the subsequent meetings by *Rajamantrapravina* K. Matthan. *Rajasevasakta Diwan Bahadur* K. R. Seshachar who attended six meetings of the committee has not signed this report as he resigned

his membership of the Council on retirement from service.

The scheme of the Bill is based on the model of the Bombay Irrigation Act. We find ourselves in agreement with most of the provisions contained in the Bill. The Committee was opposed to the compulsory impressment of materials in cases of emergency and the provisions relating thereto have been deleted.

It was also the general sense of the Committee that a chapter on the "Award of Compensation" for damages that may be caused by acts done in the exercise of powers under this Regulation and another in regard to the "Constitution of Irrigation Panchayets and Boards" should be provided.

Mr. K. Chengalaraya Reddy, one of the members of the Representative Assembly invited to assist the committee, sent a draft of a chapter on the Award of Compensation and it has been adopted by us with some modifications.

Another chapter on Irrigation Panchayets has been newly inserted by us.

In this Report, we deal only with those provisions of the Bill which we consider require special mention. Some other minor alterations which are mostly verbal have been indicated in the Bill annexed hereto.

The following notes on clauses explain the amendments which we have made in the Bill:—

Note.—Figures in square brackets show the numbering of sections in the Bill as amended.

CHAPTER I.

In the definition of "Irrigation Work," we have included Anicuts and Talapariges.

We consider that the definition of "New Irrigation Work" would be incomplete without including extensions of irrigation works made after this Regulation comes into force, and accordingly this has been inserted in sub-clause (2) in the definition of "New Irrigation Work."

It is unnecessary in our view to define the term, "Labourer" as under clause (23) [31]; the class of persons who can be compelled to work has been clearly explained.

We consider it necessary to define the term, "Occupier" so as to include a tenant and this has been inserted

As regards the definition of "Magistrate," we are of opinion that Revenue Officers who are *ex-officio* Magistrates should not be empowered by Government to try offences under the Regulation.

We have included a definition of "Amildar" so as to include a Deputy Amildar.

CHAPTER II.

We consider that the procedure regarding notice as laid down in this clause would cause some inconvenience. We have therefore provided that reasonable notice in writing is necessary in all cases except in cases of emergency.

CHAPTER III.

The time limit allowed for preferring an appeal should, in our opinion, count from the date of the service of the order and we also consider that a second appeal to the Revenue Commissioner should be provided. The clause has, for this end, been suitably revised.

We consider it desirable that a new section as in section 26 of the Bombay Act may, with necessary changes, be introduced for the settlement of disputes of persons interested in water courses, and a suitable sub-clause has accordingly been added.

CHAPTER IV.

In the matter of regulation of water-supply from irrigation works, we consider that from the orders passed, appeals should be provided for. This has been secured by the addition of a new sub-clause.

We also recommend to Government that they may be pleased to frame rules in order that the enquiry under this section may be made in consultation with panchavets or special committees formed for this purpose.

The rates leviable for the supply of water from new irrigation works should, in our view, be in conformity with the present provisions of the Mysore Land Revenue Code in respect of works other than extensions constructed at an outlay of less than one lakh of rupees, and we have accordingly added a sub-clause.

Clause (14) [15] We consider that it would be necessary to stop supply to prevent wastage or misuse of water and we have inserted a suitable sub-clause to secure this object.

Clause (15) [16] The whole of this clause has been recast and has been drafted on lines substantially similar to section 15 of the Tank Panchayet Regulation, 1911, as amended by Regulation, III of 1931.

We recommend to Government in this connection to provide rules so that the Irrigation Officer may exercise the powers under this section in consultation with the Tank Panchayets where such exist or special irrigation panchayets or boards to be formed for the purpose, and for which provision has been proposed by us in a separate chapter.

CHAPTER V [VI].

Clause (17) [25] We consider that the special provisions of this chapter should apply only to the construction and improvement of irrigation works and not to mere maintenance therefor. We have accordingly substituted the word, "improvement" for the word, "maintenance," in the heading of the chapter. We also consider that "improvement" in this chapter should mean only such improvement of irrigation works as will materially enhance the supply of water available therein for irrigation, and we have accordingly defined the expression "Improvement."

It is necessary that the Government should have the power to exclude smaller irrigation works from the operation of this section and we have therefore included a sub-clause therefor.

Clause 21 [29] According to the rules now existing, the contribution in respect of lands converted into wet should not exceed one-third of the difference between the value of the wet and dry lands in the locality and we have therefore amended sub-clause (2) in conformity with the present rules.

Sub-clause (3) has been revised with a view to provide for the revision of water rates after a period of ten years in the first instance, and thereafter at intervals of not less than fifteen years.

In order that the water rate at each revision might not be arbitrarily increased, we would recommend to Government that in framing the rules, it should be provided that the rate of increase at each revision should not exceed twenty-five per cent of what it was. Messrs

K. R. Srinivasiengar, H. C. Dasappa, Belur Srinivasiengar, B. K. Garudachar and H. B. Gundappa Gowda desire that this should find a place in the Regulation.

CHAPTER VI [VII].

We consider that even in case of emergencies, it is unnecessary to impress materials compulsorily. Accordingly, we have deleted from this chapter (Clause 23 sub-clause (2) and Clause 25)—the provisions relating thereto. Clause 23 [31]

We are of opinion that only the labour of able bodied male persons should be impressed and accordingly we have substituted the words, 'able-bodied male persons' for the word, 'labourers' in para (iv) of sub-clause (i).

[It is necessary that an order made under clause 23 [31] should be immediately reported to the Deputy Commissioner and we have accordingly inserted it as a clause under clause 23 [31] on the lines of section 60 of the Bombay Act.]

CHAPTER VII [VIII].

We consider that the scope of this chapter should be limited to such irrigation works as have been constructed or brought up to a standard and handed over to the raiyats for upkeep and accordingly we have recast this clause. Clause 27 [34]

Since 'drainage works' are included in the definition of 'irrigation work', we have omitted all references thereto. Clause 28 [35]

Sub-clause (ii). In respect of the commutation of customary labour, we consider that such commutation shall not be made except with the consent of two-thirds of the number of persons bound to perform such labour. We have accordingly inserted a proviso in this clause.

We consider that Government should be able to confer the power of executing work with hired labour on failure of customary labour on irrigation officers or officers other than the patel and we have accordingly amended this section suitably. Clause 30 [37]

We are of opinion that the sum levied from the person failing to render customary labour should be value of such labour and not in excess of it and have therefore deleted the words, 'a sum not exceeding twice' in the first para. Clause 32 [39]

The Committee strongly feel that the Government should impress on their officers that tanks should be inspected regularly and that maintenance works should not be allowed to accumulate.

CHAPTER VIII. [X]

Clause 33 [46] *Sub-clause (vii).* We consider the provisions of this sub-clause somewhat drastic. A person committing the act should be given an opportunity to desist therefrom. Therefore, we have added the words, 'after he has been desired to desist therefrom' at the end of the sub-clause.

With regard to punishment, we are of opinion that some of the offences which are of less serious nature such as those mentioned in sub-clauses (vii), (viii), (ix) and (xi) should carry a lighter punishment. We have accordingly provided for such offences a fine which may extend up to rupees fifty.

Clause 34 [47] We consider the penalty in this clause as very severe and that imprisonment should not be a part of the punishment. Accordingly, we have provided that the penalty should be merely a fine which may extend up to rupees fifty.

Clause 35. We have resolved to omit this clause since the provisions of the Criminal Procedure Code which regulate summary trials according to the nature of the offences and the powers of the trying magistrates are adequate.

Clause 36 [48] We consider that the power of a convicting magistrate to order the removal of the obstruction or the repair of the damage, etc., should be confined only to cases where the conviction is under section 33 [46] of this Regulation and not where conviction is under the Penal Code. We have accordingly omitted reference to the offence of mischief under the Penal Code.

Clause 37 [49] We are of opinion that this power of recovering the cost of repairs from the persons benefitted by the damage when the offender is unascertainable, should be exercised only on the recommendation of Irrigation Panchayets after suitable enquiry by them. We have accordingly replaced the existing clause by a new one.

Clause 39 [51] The clause as worded invests an inferior official, the patel, with excessive powers and is somewhat complicated. We have therefore decided that this clause be deleted and a clause similar to section 64 of the Bombay Act be adopted.

CHAPTER IX [XI]

We are of opinion that where the order of the Deputy Commissioner is final, the power of revision should vest only in the highest appellate authority, *viz.*, the Government. Clause 40 [52]

Instead of the elaborate manner of service of notices provided for in this clause, we consider that the provisions of the Civil Procedure Code in the matter may be made applicable to such processes under this Regulation. Clause 42 [54]

We consider that the jurisdiction of Civil Courts should be barred in respect of any matter dealt with in the provisions of Chapter V [VI] also. We have accordingly inserted it. Clause 43 [55]

We have adverted in clause 15 to our reasons for recommending consultative bodies being made use of in the exercise of certain powers under the Regulation. Consistently with those proposals, we have drafted a chapter for dealing with the constitution and working of Irrigation Panchayets and Boards.

We feel that the persons affected by the new measure should be compensated for damages, if any, resulting from excessive exercise of the powers vested in officers under the Regulation. We have accordingly provided for a separate chapter for award of compensation in certain cases.

Since sub-clause (1) which empowers the Government to frame rules is general and comprehensive and since in sub-clause (2) only a few of the matters to be regulated by rules is mentioned, we consider it unnecessary to retain sub-clause (2) and have accordingly deleted it. As the Bill has undergone considerable changes, we recommend that the Bill as amended by us may be published. Clause (44) [56]

(Sd) K. Matthan (*Chairman*)
 „ K. R. Srinivasa Iyengar.
 „ H. C. Dasappa.
 „ D. H. Chandrasekharaiya.
 „ H. B. Gundappa.
 „ M. G. Rangaiya.
 „ D. Srinivasa Iyengar.
 „ Belur Srinivasa Iyengar.
 „ Leslie C. Coleman.
 „ S. Hiriannaiya.
 „ N. Rama Rao.
 „ B. K. Garudachar.

BANGALORE,
 Dated 11th November 1931.)

BILL AS AMENDED BY THE SELECT
COMMITTEE.

N. B.—Portions omitted by the Select Committee are enclosed in square brackets and portions added are printed in italics.

The Mysore Irrigation Bill.

Preamble.

Whereas it is expedient to make adequate provision for the proper regulation and control of *the supply* of water *from irrigation works*, [for the levy of contributions,] for the regulation of customary labour and for [the punishment of Irrigation Offences and such] *certain* other matters pertaining to irrigation [as are not adequately provided for in the existing regulations and rules having the force of law]; It is hereby enacted as follows :—

CHAPTER

PRELIMINARY.

Short Title.

1. This Regulation may be called the Mysore Irrigation Regulation, 19 .

Extent and
commence-
ment.

2. The Government may, by notification in the *Official Gazette*, extend this Regulation, or any portion thereof, to any local area or to any *irrigation work* or class of irrigation works, and may also by a like notification subsequently exclude any portion of such local area or any such irrigation work or class of ~~works~~ from the operation of this Regulation, from such date as may be specified therein ;

irrigation

[Provided that] All existing regulations, rules, orders or usages having the force of law, in so far as they are inconsistent with any of the provisions of this Regulation and the rules made thereunder in the areas and with respect to the *irrigation works* or classes of irrigation works to which this Regulation is extended, are repealed to the extent to which they are so inconsistent ;

[And] Provided [further] that nothing herein contained shall be deemed to affect any acts done or liabilities

incurred under the said regulations, rules, orders or usages having the force of law.

3. In this Regulation, unless there is anything repugnant in the subject or context :—

(1) "Irrigation Work" includes—

'Irrigation work.'

(a) all reservoirs, tanks, *anicuts*, canals, channels, *thalapariges* and pipes constructed, maintained or controlled wholly or mainly by the Government for the supply or storage of water [for purposes of irrigation];

(b) all works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, *anicuts*, canals, channels, *thalapariges* or pipes and all roads constructed for the purpose of facilitating the construction or maintenance of such reservoirs, tanks, *anicuts* canals, channels, *thalapariges*, or pipes;

(c) all water courses and drainage works as hereinafter defined;

(d) all lands occupied by the Government for the purposes of such reservoirs, tanks, *anicuts*, canals, channels, *thalapariges*, pipes, and all buildings, machinery, fences, gates and other erections, occupied by or belonging to the Government upon such lands.

(2) "New Irrigation Work" means any work of irrigation as defined in clause (1), constructed or completed after this Regulation comes into force and includes extensions of irrigation works made after this Regulation comes into force :

'New Irrigation Work.'

(3) "Water Course" (*hikkal*) means any channel or pipe which is supplied with water from an irrigation work, but which is not maintained at the cost of the Government, and includes all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe :

'Water Course.'

(4) "Drainage work" [means] includes channels, either natural or artificial, for the discharge of waste or surplus water, and all works connected with or auxiliary to such channels and escape channels from an irrigation work, dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion formed or maintained by the Government either wholly or in part :

'Drainage work.'

(5) "Deputy Commissioner" includes any officer appointed by the Government to exercise all or any of the powers of a Deputy Commissioner under this Regulation :

'Deputy Commissioner.'

(6) "Irrigation-Officer" means any officer not below the rank of an Assistant Commissioner or an Assistant

'Irrigation Officer.'

Engineer appointed by the Government to exercise all any of the functions of an Irrigation Officer under the Regulation :

Amildar.
'Owner.'

(7) "*Amildar*" includes a *Deputy Amildar* :

(8) [7] "Owner" includes every person having a [joint] interest in the ownership of the thing specified :

['Labourer.']

[8] ["Labourer" means any person accustomed to manual labour :]

'Occupier'

(9) "*Occupier*" means, in respect of any land any person who has an interest in the land and cultivates the land himself or by his servants, or by hired labour and includes a tenant :-

'Magistrate.'

(10) [9] "Magistrate" means a Magistrate of the first or second class and includes a Magistrate of the third class when he is specially empowered by the Government to try offences under this Regulation.

Appointment
of Officers.

4. The Government or, subject to such rules as may be made under this Regulation, any officer whom the Government empowers in this behalf, may declare by notification in the *Official Gazette*, the officers by whom and the local limits within which all or any of the powers or duties hereinafter conferred or imposed on the *Deputy Commissioner and the Irrigation Officer*, shall be exercised or performed.

CHAPTER II.

OF THE CONTROL OF WATER AND OF IRRIGATION WORKS.

Power to
enter upon
land for pur-
poses of
inspection,
etc.

5. Any Irrigation Officer appointed in this behalf and any person acting under the general or special orders of such Irrigation Officer may enter upon any land, building or water course, for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby, and of doing anything necessary for the proper regulation, maintenance and management of any irrigation [or drainage] work.

Powers for
repairing or
preventing
damage to
an irrigation
[or drainage]
work.

6. On any damage happening or being apprehended to any irrigation [or drainage] work or in any other emergency, any Irrigation Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation [or any drainage] work, and may repair any existing work, construct any new work, or take and utilise any material and take any measure or do

anything that may, in his opinion, be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

7. When an Irrigation Officer, or any person acting under his general or special orders in this behalf, proposes under the provisions of section 5 or section 6 to enter into any building or enclosed court or garden attached to a dwelling house into which [the] water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden, such reasonable notice as the urgency of the case may allow. *Such notice shall be in writing except in a case of emergency.*

Notice of intended entry on private property to be given in certain cases.

CHAPTER III.

OF WATER COURSES.

8. (1) [Any person desiring the construction, extension, improvement, or alteration of a water course may apply in writing to the Irrigation Officer appointed in this behalf, and the said officer shall, after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or have it constructed, extended, improved or altered, through the Public Works Department on such terms and conditions as regards payment of costs, time and mode of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and may reject the application. Against the order of the Irrigation Officer in this behalf, an appeal shall lie, within thirty days from the date of the said order, to the Deputy Commissioner whose decision shall be final.]

Construction, extension, improvement or alteration of a water course on the application of person interested.

Any person desiring the construction, extension, improvement, or alteration of a water-course may apply in writing to the Irrigation Officer, and the said officer may, after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or, if the applicant so desires, have it constructed, extended, improved or altered, through Government agency on such terms and conditions as regards payment of costs, mode of execution and time of completion, facilities to be afforded

by the applicant to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be relevant in each case, or may reject the application.

From the order of the Irrigation Officer an appeal shall lie within thirty days from the date of the service of the said order, to the Deputy Commissioner of the District and from his decision, a second appeal shall lie within ninety days from the date of the service of such appellate order to the Revenue Commissioner whose decision thereon shall be final.

(2) If it is necessary to acquire any land for the purposes of sub-section (1) [of this section,] the Deputy Commissioner [of the District] may proceed to acquire the same under the provisions of the Land Acquisition Regulation, 1894.

Explanation:—Notwithstanding anything contained in the proviso to section 6 (1) of the Land Acquisition Regulation, 1894, the acquisition of any land for the construction, extension, improvement or alteration of a water course under this section, though executed solely at the expense of a private person, shall be deemed to be for a public purpose, to which the provisions of the said Regulation shall apply.

*can sub-
section (2)*

all No alteration of water course except with consent of Irrigation Officer.

9. No water course constructed, extended, improved, or altered under the provisions of section 8 may be altered without the consent of the Irrigation Officer.

Obligations of owners of land receiving supply from water course.

10. Every owner or occupier of land which receives a supply of water from a water course shall be bound—

(a) to maintain such water course in a fit state of repair; and

(b) to allow the use of it to any person entitled to the same by reason of an order passed under section 8 or otherwise.

Enforcement of said obligations.

*no clause
(a) of*

11. (1) If any owner or occupier of land which receives a supply of water from a water course fails to fulfil any obligation imposed on him by section 10, the Irrigation Officer [appointed in this behalf] may require him by notice to execute the necessary work or repair within such period, not less than five days from the date of service of notice, as may be prescribed therein, and in case of his default, may execute the same on his behalf.

(2) The expenses incurred by the Irrigation Officer on any work or repair under sub-section (1) [of this section] shall be recoverable from the defaulter as an arrear of land revenue.

12. Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, or among joint owners of a water-course as to their respective shares of the expense of constructing or maintaining such water-course, or as to the amount severally contributed by them towards such expense, or as to failure on the part of any owner to contribute his share, any person interested in the matter of such dispute may apply in writing to the Irrigation Officer stating the matter in dispute. *Settlement of disputes concerning water-courses.*

Such officer shall proceed to make a summary enquiry in the manner prescribed in the Mysore Land Revenue Code, 1888, and pass his decision thereon.

From the decision of the Irrigation Officer an appeal shall lie to the Deputy Commissioner of the District whose order thereon shall remain in force, until set aside by a decree of a Civil Court.

CHAPTER IV.

REGULATION OF IRRIGATION.

13. [12] (1) The Deputy Commissioner of the District or any other officer specially empowered by the Government in this behalf may regulate in respect of any irrigation work for each year or for a specified term of years at a time, as circumstances may require, *Regulation of water-supply from irrigation works.*

- (i) the time for letting out water for irrigation,
- (ii) the period of the supply, and
- (iii) the quantity of the supply,

after holding such enquiry as may be provided for by rules framed by the Government. [and such regulation shall be final.]

(2) *From the order of an officer other than the Deputy Commissioner under sub-section (1), an appeal shall lie to the Deputy Commissioner of the District within thirty days from the date of such order and from the original or appellate order of the Deputy Commissioner, an appeal shall lie to the Revenue Commissioner, within ninety days of such order.*

14. [13] (1) Every person desiring the supply of water from a new irrigation work shall submit a written application to that effect to the Irrigation Officer [appointed to receive such applications], in such form as may be prescribed by the Government. *Supply of water from a new irrigation work.*

If the supply of water is desired for irrigation, it may be granted for such period and on such terms as may be prescribed by rules framed by the Government.

(2) *Notwithstanding anything contained in sub-section (1), the rates leviable for the supply of water for irrigation from a new irrigation work constructed at an outlay of less than one lakh of rupees and not falling under Chapter VI of this Regulation shall be fixed in conformity with the provisions of the Mysore Land Revenue Code, 1888 and the rules thereunder,*

provided that when such work is itself an extension of a new irrigation work constructed at a cost of not less than one lakh of rupees, the provisions of sub section (1) shall apply irrespective of the cost of the work.

(3) If the application is for the supply of water for purposes other than those of irrigation, the Irrigation Officer may, with the sanction of the Government, permit water to be taken for such purposes subject to such special conditions and restrictions as the Government may impose in each case.

[Circumstances in which water supply may be stopped.]
Supply of water not to be stopped except under certain circumstances.

15. [14] The supply of water to any water course or to any person who is entitled to such supply shall not be stopped except in the circumstances and subject to the limitations specified below, namely,

(a) whenever and so long as it is necessary to stop such supply—

(i) for the purpose of executing any work ordered by competent authority; or

(ii) in order to supply in rotation the legitimate demand of other persons entitled to water;

(b) whenever and so long as any water course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom; [and]

(c) *whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water, and*

(d) within the periods fixed from time to time by an Irrigation Officer acting under section 16, of which reasonable notice shall be given.

Power of Irrigation Officer to determine the irrigable area and grant remission of assessment.

[15] [An Irrigation Officer may, in any year having regard to the quantity of water available in any irrigation work under his control, determine the portion out of all or any of the wet lands in the irrigable area of such irrigation work to be cultivated with irrigated crops and regulate the supply of water accordingly; and if any land assessed as wet is not supplied with water for irrigation, he may remit such portion, not exceeding one-half of the assessment thereon as he thinks fit, subject to such rules regarding the remission of assessment as may be made by the Government and are for the time being in force.

An appeal shall lie from the order of the Irrigation Officer under this section, within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.]

16. (1) *An Irrigation Officer specially empowered by the Government, in this behalf, may, in any year, having regard to the quantity of water available in any irrigation work under his control determine the portion of the wet lands in the irrigable area of such irrigation work to be cultivated with wet crops, or with dry or semi-dry crops, and regulate the supply of water for irrigation accordingly.*

(2) *If, in accordance with a decision of the Irrigation Officer under sub-section (1), any land assessed as wet is not supplied with water for raising wet crops, the holder of such land shall be entitled to remission of one-half of the assessment of such land.*

From the order of the Irrigation Officer under this section, an appeal shall lie within thirty days from the date of the service of the said order, to the Deputy Commissioner of the District, and from his decision, a second appeal shall lie within ninety days from the date of the service of such appellate order, to the Revenue Commissioner whose decision shall be final.

17. [16] (1) All rights to the supply of water from an irrigation work to any land, building or other immovable property shall be presumed to have passed to the transferee with the transfer of such land, building or other immovable property whenever such a transfer has been effected.

Right to the supply of water passes with the property entitled to the supply.

(2) No person entitled to the use of *any irrigation work* or land appertaining to any irrigation work or to use the water of any irrigation work shall sell or sub-let or otherwise transfer his right to such use without the permission of the Irrigation Officer duly empowered to grant such permission, *except when such right is transferred with the land, building or other immovable property having such right.*

CHAPTER V.

OF THE AWARD OF COMPENSATION.

18. *Compensation may be awarded in respect of any substantial damage caused by the exercise of any of the powers conferred by this Regulation, which is capable of being ascertained at the time of awarding such compensation:*

Compensation awardable for damage.

Provided that no compensation shall be so awarded in respect of any damage arising from—

- (a) deterioration of climate or soil ;
- (b) stoppage of navigation or of the means of floating timber or of watering cattle ; or
- (c) ~~the~~ stoppage or diminution of the supply of water of any river or stream flowing in a natural channel or of any lake or natural collection of still water by the application of such supply for the purposes of a new irrigation work or otherwise, except in so far as a right to the use of such supply may be established ; or
- (d) failure or stoppage of the water in a channel, when such failure or stoppage is due to,

- (1) any cause beyond the control of Government,
- (2) the execution of any repairs, alterations or additions to the channel, or
- (3) any measures considered necessary by any Irrigation officer duly empowered in this behalf for regulating the proper flow of water in the channel, or for maintaining the established course of irrigation):

Or under Section 15)

Remission of water-rates when allowable.

but any person who suffers loss from any stoppage or diminution of his water-supply due to any of the causes named in clause (d) of this section shall be entitled to such remission of the water-rate payable by him as may be authorised by the Government.

Limitation of claims.

19. No claim for compensation) *under this Regulation* for any damage shall be entertained after the expiration of one year from the time when the damage complained of commenced, unless the Deputy Commissioner is satisfied that the claimant had sufficient cause for not making the claim within such period.

Compensation for damage caused by entry on land, etc.

20. In every case of entry upon any land or building or the utilisation of materials under sections 5 and 6, the Irrigation Officer or the person making the entry shall ascertain and record the extent of the damage, if any, caused by the entry, or in the execution of any work, to any crop, tree, building or other property, and the value of the materials taken or utilised,

and within one month from the date of such entry compensation shall be tendered by the Irrigation Officer to the landholder or owner of the property.

21. If such tender is not accepted, the Irrigation Officer shall forthwith refer the matter to the Deputy Commissioner for the purpose of making enquiry as to the amount of compensation and deciding the same.

Claims to be preferred to the Deputy Commissioner.

22. All claims for compensation under this Regulation other than claims of the nature provided for in section 20, shall be made to the Deputy Commissioner having

jurisdiction over the local area wherein the land or part thereof in respect of which damage is alleged to have been caused is situate.

The Deputy Commissioner shall enquire into all such claims and determine the amount of compensation, if any, which should be awarded.

Deputy Commissioner to determine the amount of compensation.

23. An appeal shall lie to the Revenue Commissioner from the decision of the Deputy Commissioner under either of the two preceding sections as to the amount of compensation to be awarded within ninety days from the date of such decision and the decision of the Revenue Commissioner thereon shall be final.

Appeal.

24. All sums of money payable for compensation awarded under this chapter shall become due three months after the final award has been made;

Compensation when due.

and, simple interest at the rate of six percent per annum shall be allowed on any such sum remaining unpaid after the said three months, except when the non-payment of such sum is caused by the neglect or refusal of the claimant to apply for or receive the same.

CHAPTER VI.

OF THE CONSTRUCTION AND [MAINTENANCE] IMPROVEMENT OF IRRIGATION WORKS ON SPECIAL TERMS.

25. [17] [Whenever it appears to the Government that the construction or improvement of an irrigation work in any local area is not likely to be remunerative unless on the lands irrigable by such work, payment of an acreage contribution of water-rate or both, in accordance with such rules as may be framed by the Government is guaranteed, the Government may direct the Deputy Commissioner or any other officer appointed by them in this behalf to hold an enquiry in the manner hereinafter provided].

Preliminary enquiry to be held when the levy of acreage contribution of water-rate or both is necessary for undertaking construction or improvement of an Irrigation work.

Whenever it appears to the Government that the construction or improvement of an irrigation work in any local area cannot be undertaken unless, on the lands irrigable by such work, payment of a specified acreage contribution or water-rate or both, is guaranteed, the Government shall direct the Deputy Commissioner or any other officer appointed by it in this behalf to hold an enquiry in the manner hereinafter provided,

The Government may by notification in the Official Gazette declare that the provisions of this section shall not apply to the construction or improvement of any irrigation work or any class of irrigation works.

Explanation.—Improvement in this chapter means only such improvement of an irrigation work as will materially enhance the supply of water available therein for irrigation.

Procedure in holding the enquiry.

26. [18.] The Deputy Commissioner or other officer appointed to make the enquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than thirty days after the last date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction or improvement, ~~and~~ estimate of the capital and recurring expenditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area) and the rates at which it is proposed to levy contribution or water-rate or both in respect of the lands within the benefited area, and shall invite the holders of such lands to submit any objections or suggestions that they may desire to make on or before the date prescribed in the notice and to produce evidence, if any, in support of such objections or suggestions on the date appointed for the holding of the enquiry.

Report of the enquiring officer.

27. [19] If the Deputy Commissioner or other officer appointed to make the enquiry after considering any objections or suggestions duly submitted and the evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area give their consent in writing to such construction or improvement and to the payment of the proposed contribution or water-rate or both, he shall embody his proceedings in a report, and submit the same to the Government together with a statement of objections and suggestions presented to him and any remarks he may desire to make in respect of them.

Government may abandon or proceed with the scheme.

28. [20] Upon receipt of the report submitted under section [19.] 27, the Government may, after such further enquiry, if any, as it may make, either abandon the scheme, or proceed with the scheme in the original form or with such modifications as it may consider necessary; provided that where the modifications involve a substantial increase in the benefited area or in the acreage contribution or water-rate to be imposed, the provisions of sections [18] 26 and [19] 27 shall apply to the altered scheme.

29. [21] (1) The scheme as finally approved by the Government shall be published in the *Official Gazette*, and it shall embody the following particulars:—

Publication of the scheme as finally approved by the Government.

(a) a specification of the work which it is proposed to construct or improve and an estimate of the capital and recurring expenditure involved thereby;

(b) the estimated time required for the completion of the work;

(c) a description of the benefited area;

(d) the rates at which contribution will be recovered in respect of the lands in the benefited area and the terms of such recovery;

(e) the rates at which water-rate will be imposed on the lands in the benefited area, and

(f) the fact that the consent of the holders of such ~~land~~ has been obtained as provided in this chapter.

(2) The contribution referred to in clause (d) of sub-section (1) shall in no case exceed [one-half] *one-third* of the difference between the value of the wet and dry lands in the locality.

(3) [The water-rate referred to in clause (e) of sub-section (1) shall be liable to periodical revision at intervals of not less than ten years.]

The water-rate referred to in clause (e) of sub-section (1) shall be liable to revision after the expiry of a period of ten years and thereafter at intervals of not less than fifteen years.

(4) The publication under sub-section (1) of a scheme as approved by the Government shall be conclusive proof that any consent recorded therein has been duly obtained.

30. [22.] After the scheme has been carried out, the Deputy Commissioner may, subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land within the benefited area, in addition to the assessment fixed under the provisions of section 112 of the Mysore Land Revenue Code, 1883, contribution or water-rate or both at the rates referred to in section [21] 29. *Such contribution or water-rate shall be recoverable as a revenue demand.*

Levy of contribution and water-rate on lands within the benefited area.

Provided that the Deputy Commissioner may exempt from the whole or any part of this liability any land in the benefited area on the ground that the benefit from the irrigation work does not reach such land.

Provided further that when a water-rate is levied from the holder of any land under this section, no such rate

shall be leviable in respect of such land under the provisions of section 53 of the Mysore Land Revenue Code 1888.

CHAPTER [VI.] VII.

OF OBTAINING LABOUR [AND MATERIALS] IN EMERGENCIES.

Impress-
ment of
labour [and
materials] for
urgent works
of repair, etc.

31. [23.] (i) Whenever it appears to an Irrigation Officer, or in his absence the Amildar of the taluk, that unless some work or repair is immediately executed an irrigation [or drainage] work would sustain such serious damage as to cause sudden and extensive public injury,

or, that unless some clearance of an irrigation [or drainage] work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss would occur,

and that the labourers necessary for the proper execution of such work, repair or clearance cannot be obtained in the ordinary manner in time to prevent such injury or loss,

it shall be lawful for such officer to require the patel or patels of the village or villages in the vicinity to call upon all or any of the [labourers] *able-bodied male persons* who reside or hold land in or near the locality where such work, repair or clearance has to be executed to assist in the execution of the same by their labour, as such officer or other person authorised by him in this behalf may direct.

[(ii) Such officer or other person authorised by him in this behalf, may also enter upon or into any immovable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees and any timber, bamboos, mats, ropes, straw, earth, stones or other materials found in or upon such property, and use the same for the purposes of such work, repair or clearance.]

[(iii) (i) Every person so authorised shall be deemed to be a public servant within the meaning of the Indian Penal Code.

An order made under this section shall be immediately reported to the Deputy Commissioner.

*Report to be
made by Irriga-
tion Officer.*

*Payment for
[materials
taken.] labour
impressed.*

32. [24.] All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under section 31 [23] [or whose materials may be

taken under that section] shall, as soon as may be reasonably practicable and in any case within fifteen days from the date of such impressment, be paid by the Irrigation Officer or the Amildar, as the case may be, for their labour and detention [or for such materials] at twenty-five per cent in excess of the rates for the time being prevailing in the neighbourhood. If the persons are required to work or are detained at night, they shall be paid at double such rates.

[25] [Whenever as a result of the removal, under section 23, of any trees, bamboos, earth, stone or other materials, any damage over and above the price payable for such materials results directly to any person, the Irrigation Officer or the Amildar, as the case may be, shall pay to such person a reasonable amount of compensation for such damage subject, to such rules as may be framed in this behalf by the Government.] [Compensation for damage done in taking materials.]

33. [26] *Any person who does not accept the amount tendered in payment* [against an order] under section 32 [24] [or section 25], [an] *may appeal* [shall lie] within thirty days from the date of [the order] *such tender*, to the Deputy Commissioner, whose decision shall be final. Appeals against orders under section[s] 32, [24 and 25.]

CHAPTER [VII.] VIII.

OF CUSTOMARY LABOUR.

[27.] [The provisions of this chapter shall apply to the following irrigation and drainage works :—

- (a) All river and spring channels ;
- (b) All tanks ;
- (c) All feeder channels connected with tanks].

Works for which customary labour is forceable.

34. *The provisions of this chapter shall apply to tanks, river and spring channels, feeder channels connected with tanks, and other irrigation works which have been brought up to standard and handed over to the raiyats for upkeep.*

35. [28]. (i) Every occupier of land, irrigated or *served* [drained] by any irrigation [or drainage] work, as well as the inhabitants of the village or villages and all others who derive any benefit, directly or indirectly from the work, shall perform, in respect of such work, without payment, the following customary labour :—

Nature of, and persons liable to perform, customary labour, and the levy of cash contribution in lieu of labour.

- (a) filling up gullies, cracks, ruts and holes *in the earth work* ;
- (b) removing any rank growth or pernicious weed ;

(c) clearing such underwood as may be considered by the Irrigation Officer to be injurious ;

(d) clearing sand or silt from sluices and branch channels and repairing the earthwork of petty and branch channels and clearing the accumulation in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields ;

(e) maintaining the bund to the standard level and with the slopes specified ;

(f) keeping in order the feeder channels of tanks ;

(g) watching the bunds [of all tanks] during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluices, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation.—All land forming part of the registered or recognised *atchkat* of an irrigation work shall be deemed to be land irrigated by such work, within the meaning of this section.

(ii) The Government may by an order direct in respect of all or any of the aforesaid works in any locality that the customary labour to be performed under this section need not be performed either wholly or in part, or that in lieu of such labour a contribution in cash at [a flat rate per acre of holding] *such rates as may be fixed under rules made in this behalf* be levied ~~on~~ the persons bound to perform the same ; *provided that no such order of commutation shall be made except with the consent of two-thirds of the number of persons bound to perform such labour.* Such order may at any time be cancelled or modified by the Government.

Village patel responsible for due performance of customary labour.

36. [29.] It shall be the duty of the patel of every village to see that in respect of any irrigation [or drainage] work situated in the village or villages in his charge the customary labour specified in section [28] 35 is duly performed and the work maintained in an efficient condition.

Execution of work with hired labour on failure of customary labour.

37. [30.] If [during the execution of any work] any person who under this chapter is bound to contribute labour towards [such work,] *any irrigation work*, neglects or refuses to do so, the patel, or [upon the report of the patel the Irrigation Officer], *other Officer empowered by Government in this behalf*, may get the work performed by hired labour, after giving notice by beat of drum in the villages in which the persons bound to do the work ordinarily reside or the land *served by such irrigation work* [so irrigated or drained] is situate, requiring such persons to carry out the work by a specified date and on their failure to comply with the requisition within the appointed time.

38. [31.] The quantum of labour which each person liable under section [28] 35 is bound to contribute, and the proportionate share of labour for each village where an irrigation [or drainage] work serves more than one village, shall be determined in accordance with rules framed by the Government in this behalf.

Determina-
tion of
quantum
of labour
to be con-
tributed.

39. [32.] Whenever any person who is bound to contribute labour under section [28] 35 neglects or fails to do so without sufficient and reasonable cause, the Irrigation Officer may levy from such person [a sum not exceeding twice] the value of the labour which such person is bound to contribute, and such amount shall be recoverable as an arrear of land revenue.

Penalty for
failure to
perform
customary
labour.

*a sum
equivalent*

From the order of the Irrigation Officer, an appeal shall lie, within thirty days from the date of service of the order to the Deputy Commissioner, whose decision shall be final.

CHAPTER IX.

OF IRRIGATION PANCHAYETS AND BOARDS.

40. Subject to such general or special rules as the Government may make in this behalf, the Deputy Commissioner may, when he is satisfied that a demand exists, constitute an Irrigation Panchayet for a village.

Constitution
of an Irri-
gation Pan-
chayet.

Such Panchayet shall consist of the patel and the shanbhog of the village who shall be ex-officio members and of not less than five and not more than seven other members who shall be elected in accordance with rules made under this Regulation, and from among occupiers of land who are interested by reason of such occupation in the proper maintenance of such work.

The elected members shall hold office for a period of three years, but shall be eligible for re-election. Provided that an elected member shall be deemed to have vacated his office if he ceases to possess the aforesaid qualification, or if he absents himself without reasonable or sufficient cause from three consecutive meetings.

41. Subject to such general or special rules as the Government may make in this behalf the Deputy Commissioner may constitute an Irrigation Board consisting of two or more Panchayets or delegates therefrom in respect of an irrigation work irrigating more than one village.

Constitution
of an Irri-
gation Board.

The appointment of delegates to Irrigation Boards shall be made in accordance with rules framed under this Regulation.

and every delegate shall hold his office only for such time as he continues to be a member of the Panchayet of which he is a delegate.

42. The provisions of the following sections as regards Panchayets shall also apply as far as possible to Irrigation Boards.

43. The Government may by rules to be framed in this behalf—

(a) prescribe the functions of an Irrigation Panchayet;
(b) prescribe the procedure to be adopted by an Irrigation Panchayet; and

(c) delegate to any Irrigation Panchayet any of the powers vested in the Government or in a Deputy Commissioner or in an Irrigation Officer under this Regulation.

*Dissolution
of Panchayet.*

44. If in the opinion of the Deputy Commissioner any Panchayet persistently makes default in the performance of the duties imposed upon it by this Regulation or rules thereunder or exceeds or abuses its powers, such Deputy Commissioner may, after giving an opportunity to the members of the Panchayet to be heard in their defence, order the Panchayet to be dissolved.

45. An appeal shall lie to the Revenue Commissioner against the order of the Deputy Commissioner under section 44 and the order on such appeal shall be final.

CHAPTER [VIII.] X.

PENALTIES AND PROCEDURE.

*Offences
under the
Regulation.*

46. [33.] Whoever voluntarily and without proper authority—

(i) damages, alters, enlarges or obstructs any irrigation [or drainage] work;

(ii) interferes with, increases, or diminishes the supply of water in, or the flow of water from, through, over, or under any irrigation [or drainage] work or does any act which renders such irrigation [or drainage] work less useful than is intended for the purpose for which it was constructed;

(iii) opens, shuts or obstructs, or attempts to open shut or obstruct, any sluice in any irrigation work;

(iv) corrupts, or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used;

(v) destroys, defaces or moves any land or level-mark or water gauge fixed by the authority of a public servant ;

(vi) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work ;

(vii) causes any animal or vehicle to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under section [44] 56 *after he has been ~~desired~~ to desist therefrom ;* *required*

(viii) causes or permits any animal to graze or be tethered upon the bank or border of any irrigation [or drainage] work ;

(ix) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation [or drainage] work ;

(x) puts up a dam across or otherwise obstructs the free course of water, the right to which vests in the Government ;

(xi) violates any rule made under section [44] 56, the breach whereof is declared to be an offence punishable under this section ;

and whoever

(xii) being responsible for the use and maintenance of a water course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner, or prevents or interferes with the lawful use of such water course by any person authorised to use the same, under section 8 ;

[Shall be deemed to commit an offence under this Regulation and shall, on conviction before a Magistrate be punished for each such offence with fine which may extend to one hundred rupees.]

shall be deemed to commit an offence under this Regulation and shall, on conviction before a magistrate be punished for each such offence as is mentioned in sub-sections (i) to (vi), x and xii of this section with fine which may extend to one hundred rupees, and for each such offence as is mentioned in sub-sections vii, viii, ix and xi with fine which may extend to fifty rupees.

47. [34] Any [labourer] person who, being duly called Penalty. upon by the patel of his village to assist by his labour in the execution of any work under section [23] 31, refuses or neglects to comply with such call without *sufficient and reasonable cause* [lawful excuse], shall on conviction before a

magistrate be punished with fine which may extend to [one hundred] *fifty* rupees [or with simple imprisonment which may extend to one month or with both.]

[35.] [All offences under this Regulation are triable summarily in the manner provided in Chapter XXII of the Criminal Procedure Code.]

Persons convicted under section [33]⁴⁶ [or of the offence of mischief in relation to an irrigation or drainage work] liable to repair the damage, etc.

48. [36.] When any person is convicted of an offence under section 46 [or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work], the convicting magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land-mark, level-mark, water-gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any Irrigation Officer may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

Recovery of cost of repairing damage when the offender is unascertainable.

[37.] [When the person causing any damage, alteration, enlargement or obstruction to any irrigation or drainage work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, after giving not less than one month's notice to the occupiers of all lands in his opinion benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration, enlargement or obstruction, in such proportion as he thinks fit.]

49. *When the person causing any damage, alteration, enlargement or obstruction to any irrigation work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, on the recommendation of the Irrigation Board or the Irrigation Panchayet concerned with the work, after giving not less than one month's notice to the occupiers of all lands benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration, enlargement or obstruction, in such proportion as he thinks fit.*

Punishment under other laws not barred.

50. [38] Nothing herein contained shall prevent any person from being prosecuted under any other law for the time being in force for any act or omission made punishable by this Regulation ;

Provided that no person shall be punished twice for the same [offence] *act or omission*.

[39.] [Any person in charge of, or employed upon any irrigation work, may remove from the lands or buildings belonging thereto any person who within his view :—

Power to
remove
obstruction
or damage
to works.

(i) wilfully damages, obstructs, or fouls any irrigation work, or

(ii) without proper authority interferes with the supply or flow of water in or from an irrigation work so as to endanger, damage, or render less useful any irrigation work ;

and may, if the name and address of such person be unknown or if he refuses to give his name or address or gives a name or address which such officer has reason to believe to be false, arrest him without a warrant and take or forward him to the Patel of the village within the limits of which such damage, obstruction or interference has been caused. The Patel shall thereupon hold such enquiry as he may think necessary and if he finds the allegation to be well founded, file a complaint before the Magistrate having jurisdiction to try the case. If such enquiry is not commenced and completed on the day on which such person is arrested the Patel shall admit such person to bail or, if sufficient bail is not tendered, forward him forthwith in custody to the said Magistrate with a report of the circumstances under which such arrest was made.]

51. *Any person in charge of or employed upon any irrigation work, may remove from the lands or buildings belonging thereto, or may take into custody without a warrant, and take forthwith before a magistrate or to the nearest police station to be dealt with according to law, any person who within his view—*

(1) *wilfully damages, obstructs or fouls any irrigation work, or*

(2) *without proper authority interferes with the supply or flow of water, in or from any irrigation work so as to endanger, damage, or render less useful any irrigation work.*

CHAPTER [IX.] XI.

MISCELLANEOUS.

52. [40.] The Government or the Revenue Commissioner may call for and examine the records of the proceedings under this Regulation of a Deputy Commissioner or any irrigation officer subordinate to it or him for

Power of
[Revenue
Commissioner
to revise.]
revision.

When on examining the records of any case, the Government or the Revenue Commissioner considers that the order or decision of such officer should be revised, it or he may reverse or alter such order or decision or pass such other order as it or he may think fit. The Government alone shall be competent to revise under this section any decision or order which is declared by this Regulation to be final."

the purpose of satisfying itself or himself as to the *correctness, legality or propriety* of any decision or order passed and the regularity of the proceedings of such officer.

If in any case it shall appear that any decision or order or proceedings [of a Deputy Commissioner] *so called for* should be modified, annulled or reversed, the Government or the Revenue Commissioner *in cases in which such order or decision is not declared by this Regulation to be final* may pass such order thereon as it or he deems fit.

Power to
summon and
examine
witnesses.

53. [41.] Any officer empowered under this Regulation to conduct any enquiry, may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, 1911, and every such enquiry shall be deemed a judicial proceeding.

Manner of
serving
notices.

[42.] [Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by the Officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person named therein. When such person cannot be found, the service may be made on any adult male member of his family, residing with him, and if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and if such person has no ordinary place of residence within the village, service of any notice may be made by sending a copy of such notice by post in a registered cover addressed to such person at his usual place of residence, and if the place of residence is not known by affixing it in the *chavadi* of the village to which the action relates.]

54. *Service of any notice under this Regulation shall be made in accordance with the provisions of the Code of Civil Procedure, 1911.*

Chapter V

Jurisdiction
of Civil
Courts
barred.

55. [43.] No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with under the provisions of Chapter VI, Chapter VII or Chapter VIII.

Power to
make rules.

56. [44.] (1) The Government may, after due publication, make rules not inconsistent with this Regulation to carry out all or any of the provisions of this Regulation.

[(ii) Without prejudice to the generality of the foregoing power, such rules may regulate the following matters, namely :—

(a) the proceedings of any officer who under any provision of this Regulation, is required or empowered to take action in any matter ;

(b) the cases in which, the officers to whom and the time and conditions subject to which orders and decisions given under any provision of this Regulation and not expressly provided for as regards appeal, shall be appealable ;

(c) the person by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this Regulation shall be done ;

(d) the amount of any charge to be made under this Regulation ;

(e) matters falling under sections 8 and 12.]

(2) The rules made under this section shall be published in the *Official Gazette* and shall thereupon have effect as if enacted under this Regulation.

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 3209
17 of 1932.

5253
P
Pol. 1371
226

Legis. 32-31-2

FROM

Captain G. Kirkbride, I.A.,

SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

TO

The Chief Secretary to the Government of

His Highness the Maharaja of Mysore.

Dated Bangalore, 10th May 1932.

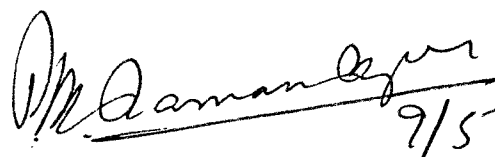
Subject.

The Mysore Irrigation Bill.

SIR,

With reference to your letters Nos. Pol. 675/Legis. 32-31, dated the 18/21st December 1931 and No. Pol. 1056 Legis. 32-31, dated the 31st March, 1932, on the above subject, I am directed to state that the Governor General in Council is pleased to accord his consent to the Mysore Irrigation Bill on the understanding that he retains over it the power and authority which vest in him by virtue of Article 18 of the Treaty dated the 26th November 1913.

I have the honour to be,
Sir,
Your most obedient servant,


for SECRETARY TO THE RESIDENT.

vdv.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. *P-380 / Legis 32-31--3*
Am 1

Dated, Bangalore, *19-7-1932*

Ordered that the accompanying *Regulation to*
provide for the proper regulation and control
of water from Irrigation Works, for the
regulation of Customary labour and for certain
other matters pertaining to irrigation
which received the assent of His Highness the
Maharaja, on the *eleventh* day of *July*
1932, be published as Regulation No. *I of*
of 1932, in the Mysore Gazette for general information.

u
Chief Secretary to Government,
Local and Legislative Departments

To
The Compiler, Mysore Gazette, for publication in
Part ~~IV~~ of the Gazette, in English and Kannada and
for supply of *—* spare copies in English,
and *—* Kannada to this office, as per stand-
ing orders. *The final proof should be*
sent to this office for approval and print order
Copy to Translation Section

Proceedings of the Government of His Highness
the Maharaja of Mysore.

Order No. 7 380/Legis 32-31.-3

Bangalore, dated the 19th July 1932.

Ordered that the accompanying Regulation to provide for the proper regulation and control of water from Irrigation Works, for the regulation of customary labour and for certain other matters pertaining to irrigation which received the assent of His Highness the Maharaja, on the eleventh day of July 1932, be published as Regulation No. of 1932, in the Mysore Gazette for general information.

For Chief Secretary to Government.
Bm

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada to this office, as per standing orders. The final proof should be sent to this office for approval and print order.

THE MYSORE LEGISLATIVE COUNCIL.

DECEMBER SESSION—1931.

Statement of Business to be transacted at the Legislative Council—(contd.)

THE MYSORE IRRIGATION BILL.

AMENDMENTS.

1. In section 2, line 6, insert the word "irrigation" between the words "class of" and "works."

2. In section 3, sub-clause (10), omit the words "when he is" in the third line.

3. In section 8, clause (2), *Explanation*, omit the words "for the construction, extension, improvement or alteration of a water course under this section, though executed solely at the expense of a private person" and the words "to which the provisions of the said Regulation shall apply" and add the words "under sub-section (2)" after the words "the acquisition of any land."

The clause then will read as follows:—

Explanation.—Notwithstanding anything contained in the proviso to section 6 (i) of the Land Acquisition Regulation, 1894, the acquisition of any land under sub-section (2) shall be deemed to be for a public purpose.

4. In section 9, line 2, substitute the word "shall" for "may."

5. In section 11, clause (i)-line 3, between the words "by" and "section 10," insert the words "sub-clause (a) of."

6. In section 12, paragraph 2, omit the words "dispose of the application after a summary enquiry in the manner prescribed in the Mysore Land Revenue Code, 1888" and substitute the words "thereupon proceed to make a summary enquiry into the matter in the manner prescribed in the Mysore Land Revenue Code, 1888, and pass his decision thereon."

7. In paragraph 3 of section 12, insert the words "within thirty days from the date of the service of the said decision" between the words "shall lie" and "to the Deputy Commissioner."

8. In section 15, omit the word "and" occurring at the end of sub-clause (c).

Mover.—Rajamantrapravina K. MATTHAN.

Seconder.—MR. B. T. KESAVA IYENGAR.

9. Add at the end of the first part of sub-clause (2) clause 16, Chapter IV "when semi-dry crops are cultivated and shall be liable to pay only dry assessment when only dry crops are cultivated."

Mover.—MR. K. CHENGALARAYA REDDY.

10. In section 18, sub-clause (c) omit the word "the" before the word "stoppage" in line one.

11. In section 18, sub-clause (d) (3), add at the end the words "or under section 15," after words "established course of irrigation."

12. In section 19, add the words "under this Regulation" after the words "or compensation."

Mover.—Rajamantrapravina K. MATTHAN.

Second.—Mr. B. T. KESAVA IYENGAR.

13. Add at the end of the *Explanation* to clause 25, Chapter VI "over and above its original capacity."

Mover.—Mr. K. CHENGALARAYA REDDY.

14. Add the following proviso to sub-section (3) of Section 29 of the Bill:—

Provided that when any such revision results in an increase of water rate, such increase should not exceed 25 per cent of the rate prevailing at the time of revision.

Movers.—Messrs. H. C. DASAPPA and MOHAMED SAIT.

15. In the last part of sub-clause (3) of clause 29, Chapter VI, delete the words "ten" between "expiry of a period of" and "years" and "fifteen" between "not less than" and "years" and substitute instead the words "fifteen" and "thirty" respectively.

Mover.—Mr. K. CHENGALARAYA REDDY.

16. In Section 35 clause (ii) for the word "on" after the word "levied" substitute "from."

17. In Section 39, insert the words "a sum equivalent to" before the words "the value of the labour."

18. In Section 46, clause (vii), substitute the word "required" for "desired."

19. In section 52, instead of paragraph 2, substitute the following:—

"When on examining the records of any case, the Government or the Revenue Commissioner considers that the order or decision of such officer should be revised, it or he may reverse or alter such order or decision or pass such other order as it or he may think fit. The Government alone shall be competent to revise under this section any decision or order which is declared by this Regulation to be final."

20. In Section 55, insert the words "Chapter V," between the words "provisions of" and "Chapter VI".

—Rajamantrapravina K. MATTHAN.

r.—Mr. B. T. KESAVA IYENGAR.

BANGALORE,

Dated 11th December 1931.

C. SUBRAHMANYA AIYAR,

Ex-officio Secretary,
Mysore Legislative Council.

PROCEEDINGS OF THE FIRST MEETING OF THE SELECT
COMMITTEE OF THE LEGISLATIVE COUNCIL TO
CONSIDER THE MYSORE IRRIGATION BILL HELD ON
30TH AUGUST 1930.

All the members except Mr. H. B.
Dr. L. C. Coleman were present.

Mr. B. Narayanaswamiengar, Development Secretary
to Government, was also present.

The first three chapters were examined and the fol-
lowing decisions were arrived at:—

CHAPTER I.

With reference to the definition of 'Irrigation work' the question was raised whether Thalaparige (ತಲಪರಿಗೆ) can be said to be included thereunder. It was considered desirable that Thalapariges may expressly be included under the definition.

Re the definition of 'Drainage work' it was suggested that the word 'means' may be replaced by 'includes' as in the Madras Bill.

In the definition of "Owner" it was suggested that the word "Joint" may be omitted.

With reference to the definition of "labourer" it was considered desirable that it may altogether be omitted, and that in place of the words "all or any of the labourers" used in section 23, the expressions as employed in section 58 Bombay Act, "all or any of the able bodied Persons" may be substituted.

It was decided that the word "occupier" may be included in the definitions and it may be defined on the same lines as in the Madras Bill with the addition "and includes a tenant."

Referring to the definition of 'Magistrate' Mr. H. C. Dasappa expressed the opinion that *ex-officio* Magistrates should not ~~ordinarily~~ be empowered under the Regulation to try offences.

CHAPTER II.

With reference to clauses 5 and 6 of the Bill, objection was taken to certain expressions used in the last portion of cl. 6, and, it was therefore considered desirable to substitute the language of cl. 19 of the Madras Bill which is as follows:—

"In case of any actual or apprehended damage to an irrigation or drainage work, or whenever necessary for the regulation, maintenance or management of such work or for the purpose of inspecting or regulating the supply, or in case of urgency when any new work is immediately required to prevent serious detriment to the efficiency of an irrigation or drainage work, any irrigation officer, or any person acting under his general or special orders, may at any time enter upon any lands adjacent to, or in the neighbourhood of, such irrigation or drainage work and may execute all works which may be necessary for the purpose of repairing or preventing such damage or for constructing any new work in case of urgency or for the inspection or regulation of the supply or for the regulation, maintenance or management of the irrigation or drainage work."

With reference to the provisions as regards notice in Section 7 it was suggested that notice should be in writing. The question was reserved to be re-examined later.

CHAPTER III.

With reference to clause 8 the following changes were suggested—

‘ May ’ to be substituted for the word ‘ shall ’

Between the words “ or ” and “ have ” the words “ if the applicant so desires ” should be inserted.

A comma to be added at the end of “ Public Works Department.”

Instead of the words ‘ time and mode of completion ’ the words “ mode of execution and time of completion ” should be substituted.

Instead of the words “ as may be decided upon ” the words “ as may be relevant ” should be substituted.

The words “ of the District ” should be added after “ Deputy Commissioner,” and a second appeal should be provided for.

The amended clause will be as follows :—

Any person desiring the construction extension, improvement, or alteration of a water course may apply in writing to the Irrigation Officer, appointed in this behalf, and the said officer may after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct extend, improve or alter the said water course or if the applicant so desires, have it constructed, extended, improved or altered, through the Public Works Department, on such terms and conditions as regards payment of costs, mode of execution and time of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be relevant in each case, or may reject the application.

Against the order of the Irrigation Officer in this behalf an appeal shall lie within 30 days from the date of the said order to the Deputy Commissioner of the District and as against his decision a second appeal shall lie within 90 days from the date of this order to the Revenue Commissioner whose decision thereon shall be final.

It was decided that the words ‘ or otherwise ’ may be added at the end of cl. 10 (b).

It was considered desirable that a new provision as in section 26 of the Bombay Act may, with necessary changes, be introduced for settlement of disputes of persons interested in water courses. This has to be inserted between clauses 10 and 11 being included as a sub-clause of section 10.

It would read as

“ Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, or among joint owners of a water course as to their respective shares of the expense of constructing or maintaining such water-course, or as to the amount severally contributed by them towards such expense, or as to failure on the part of any owner to contribute his share.

any person interested in the matter of such dispute may apply, in writing, to an irrigation officer duly empowered to receive such applications, stating the matter in dispute.

Such officer shall then hold a summary enquiry in the manner prescribed in section 203, Land Revenue Code after giving notice to the persons interested and pass his order thereon

An appeal shall lie as against his order to the Deputy Commissioner of the District whose order thereon shall remain in force until set aside by a decree of a Civil Court ”

**Proceedings of the Meeting of the Select
Committee to consider the Mysore Irriga-
tion Bill held at 12 noon on 28th
November 1930.**

The First Member of Council being indisposed, Mr. S. P. Rajagopalachari, Revenue Commissioner presided at the meeting as desired by the Member, having also been elected by the other members of the Committee present.

All the members of the Select Committee excepting Mr. H. B. Gundappa were present at the meeting. Among those invited from the R. A., Messrs. Nagappa Setty and Nanjundaraj Urs were absent.

The Chairman at the outset referring to the printed copies of the proceedings of the previous meeting which had been circulated, observed that the points reserved for consideration therein may be considered later.

The discussions began with the consideration of Chapter IV (Regulation of Irrigation).

Clause 12 was approved generally subject to three points being considered in relation to that clause to be provided for if necessary after a further consideration thereof :—

The points raised were the following :—

(1) The form of enquiry or consultation to be held before a regulation is ordered under this section.

(2) Provision to be made to the effect that regulation should be without prejudice to vested rights if any.

(3) The order should not be final and there should be a provision for appeal.

In relation to point No. 1,

Messrs. D. S. Mallappa and Belur Srinivasa Iyengar were of opinion that the 'regulation' should be after consultation with a Panchayet.

As regards the 2nd point:—

Mr. K. R. Srinivasa Iyengar suggested the addition of a proviso to the effect that such regulation shall be without prejudice to the existing vested rights, if any, of parties as regards the extent of irrigation they are entitled to under the survey guarantee or otherwise.

The 3rd point was reserved to be considered later in relation to section 40 which, it was suggested, required to be revised.

Clause 13. The Clause was approved.

Clause 14. This clause was also approved subject to provision being made for compensation

or remission in cases of failure of supply etc., (as in the case of section 31 of Bombay Act).

The question of providing for compensation was reserved to be examined further.

Clause 15. This clause was discussed at length. The suggestions provisionally approved were on the following points :—

(1) Government may be empowered to form Irrigation Committees to assist the 'Irrigation Officer' in accordance with rules to be framed by Government in that behalf.

(2) The words "to be supplied with water" should be substituted for "to be cultivated with irrigated crops."

(3) The words 'shall remit' may be substituted for 'may remit.'

(4) The words 'sufficient for wet cultivation' may be substituted in place of 'for irrigation' where it occurs a second time.

There was a discussion regarding the rate of remission and non-official opinion was generally in favour of having the words 'not less than half'; Mr. K. R. Srinivasaiengar was not in favour of the wording suggested.

Regarding para 2 of the clause it was agreed that the period for preferring an appeal should count from the date of the service of the order in the manner prescribed in section 42 and that a further appeal should be allowed as in the case of clause 8 (*vide* First days Proceedings).

Clause 16. Sub-clause (2) was reserved for consideration later.

CHAPTER V.

The heading was agreed to be changed into "Of the construction or Improvement of Irrigation works on Special terms."

Clause 17. The applicability of the clause to Irrigation Works of the type of ^{Krishnarajasagara} Works was discussed at length.

The clause was not considered fully. As several members expressed an inconvenience to continue the sitting on the next day the meeting was adjourned.

PROCEEDINGS OF THE THIRD MEETING OF THE SELECT COMMITTEE TO CONSIDER THE MYSORE IRRIGATION BILL HELD ON 21ST JULY 1931.

The Select Committee met at 1 P.M., with *Rajamantrapravina* K. Matthan, B.A., Second Member of Council, in the Chair.

All the members except Mr. N. Rama Rao, and all the six invitees from the Representative Assembly were present.

As the first and second meetings of the Committee had taken place long back and some points had been left over for consideration, it was decided to go through the Proceedings of these meetings first, and then continue the consideration of the clauses of the Bill left over at the second meeting.

Some of the decisions already arrived at were re-affirmed and some were modified. The decisions so re-affirmed or modified stand as follows:—

CHAPTER I.

With reference to the definition of 'Irrigation work' the question was raised whether *Thalaparige* (ತಲಪರಿಗೆ) can be said to be included thereunder. It was considered desirable that *Thalapariges* may expressly be included under the definition.

Re the definition of 'Drainage work' it was suggested that the word 'means' may be replaced by 'includes' as in the Madras Bill.

In the definition of "Owner" it was suggested that the word "Joint" may be omitted.

With reference to the definition of the term "labourer" it was considered desirable that it may altogether be omitted, and that in place of the words "all or any of the labourers" used in section 23, suitable words may be substituted when that section comes for consideration.

It was decided that the word "occupier" may be included in the definitions and it may be defined on the same lines as in the Madras Bill with the addition "and includes a tenant."

"'Occupier' means in respect of any land any person who has an interest in the land and cultivates the land himself or by his servants, or by hired labour and includes a tenant."

Referring to the definition of 'Magistrate,' the opinion was expressed that a recommendation may be made by the Committee to the Government that Revenue Officers who are *Ex-officio* Magistrates should not be empowered to try offences under the Regulation.

CHAPTER II.

With reference to clauses 5 and 6 of the Bill, the previous decision to substitute a clause similar to clause 19 of the Madras Bill was rescinded, and it was considered desirable to have two separate clauses as they are in the Bill, one giving power for entry, etc., in the normal course, and the other for doing certain acts in emergencies.

The question whether the notice referred to in clause 7 should be oral or written was discussed at length and it was decided by a majority that written notice may be dispensed with in cases of emergency and that in other ordinary cases notice should be in writing. The clause re-cast would be as follows:—

"When an Irrigation Officer, or any person acting under his general or special orders in this behalf, proposes under the provisions of section 5 or section 6

to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any Irrigation work, he shall previously give to the occupier of such building, court or garden, such reasonable notice, *as the urgency of the case may allow. Such notice shall be in writing except in a case of emergency.*"

CHAPTER III.

With reference to clause 8, the following changes were suggested—

'May' to be substituted for the word 'shall.'

Between the words "or" and "have" the words "if the applicant so desires" should be inserted.

A comma to be added at the end of "Public Works Department."

Instead of the words "time and mode of completion" the words "mode of execution and time of completion" should be substituted.

Instead of the words "as may be decided upon" the words "as may be relevant" should be substituted.

The words "of the District" should be added after "Deputy Commissioner," and a second appeal should be provided for.

The words "of the service" be inserted between the words "date" and "of" in both places in para 2 of clause 8.

The amended clause will be as follows:—

Any person desiring the construction, extension, improvement, or alteration of a water-course may apply in writing to the Irrigation Officer, appointed in this behalf, and the said officer may after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or if the applicant so desires, have it constructed, extended, improved or altered, through the Public Works Department, on such terms and conditions as regards payment of costs, mode of execution and time of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be relevant in each case, or may reject the application.

Against the order of the Irrigation Officer in this behalf an appeal shall lie within 30 days from the date of the service of the said order to the Deputy Commissioner of the District and as against his decision, a second appeal shall lie within 90 days from the date of the service of this order to the Revenue Commissioner whose decision thereon shall be final.

It was decided that the words 'or otherwise' may be added at the end of cl. 10 (b).

It was considered desirable that a new provision as in section 26 of the Bombay Act may, with necessary changes, be introduced for settlement of disputes of persons interested in water courses. This has to be inserted between clauses 10 and 11 being included as a sub-clause of section 10.

It would read as follows:—

"Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, or among joint owners of a water-course as to their respective shares of the expense of constructing or maintaining such water-course, or as to the amount severally contributed by them towards such expense, or as to failure on the part of any owner to contribute his share.

Any person interested in the matter of such dispute may apply, in writing to an Irrigation Officer duly empowered to receive such applications, stating the matter ~~is~~ in dispute.

Such officer shall then hold a summary enquiry in the manner prescribed in section 203, Land Revenue Code after giving notice to the persons interested and pass his order thereon.

An appeal shall lie as against his order to the Deputy Commissioner of the District whose order thereon shall remain in force until set aside by a decree of a Civil Court."

CHAPTER IV.

Clause 12 was approved generally. The following points were discussed at length :—

(1) The form of enquiry or consultation to be held before a regulation is ordered under this section.

(2) Provision to be made to the effect that regulation should be without prejudice to vested rights if any.

(3) The order should not be final and there should be a provision for appeal.

In regard to point No. (1) it was the general opinion that Government may be requested to provide in the rules to be framed by them that the enquiry under this section may be done in consultation with Panchayets or Special Committees formed for the purpose.

After some discussion point number (2) was withdrawn.

In regard to point number (3), the general sense of the committee was that appeals should be provided for. This may be secured by the addition of a new sub-clause (2) to clause 12 making the existing clause sub-clause (1).

“(2) Against the order of an officer other than the Deputy Commissioner under sub-clause (1), an appeal shall lie within 30 days from the date of such order and against the original or appellate order of the Deputy Commissioner, an appeal shall lie to the Revenue Commissioner, within 90 days of such order.”

/3 There was a lengthy discussion as to why this clause should be made applicable only to new irrigation works. On one side it was contended by some members that old irrigation works should also be included in this section, so that a person may be enabled if he chose to apply for supply of water from an old irrigation work on such terms as Government may fix. It was pointed out that applications in respect of old irrigation works would be subject to the rules under the Land Revenue Code as at present. On the other side, it was contended by some members that even for new irrigation works Government should fix only such rates as may be ascertainable under the old rules, i.e., Survey rates, and ultimately they suggested that at least in respect of new irrigation works costing less than a certain sum to be fixed, the ordinary provision of the Land Revenue Code in regard to water rates should apply.

The clause was not fully considered.

As the several members expressed inconvenience to continue the sitting on the next day, it was decided that the meeting should be held on the 17th August and continued from day to day till all the clauses of the Bill are completely considered.

C. SUBRAMANYA IYER,
Secretary to the Select Committee.

PROCEEDINGS OF THE FOURTH MEETING OF THE SELECT
COMMITTEE TO CONSIDER THE MYSORE IRRIGATION BILL,
HELD ON 17TH AUGUST 1931.

The Select Committee met at 1 P.M., with *Rajamantrapravina* K. Matthan, B.A., Officiating First Member of Council, in the Chair.

All the members except Dr. Coleman, and all the six invitees from the Representative Assembly were present.

The proceedings of the third meeting had been printed and circulated to the members, and they were adopted.

After a prolonged discussion, clause 13 was adopted, subject to the insertion of a provision that rules to be framed in respect of water rates for supply of water from irrigation works, constructed at an outlay of less than one lakh of rupees and not coming under Chapter V of this Regulation, should be in conformity with the provisions of the Land Revenue Code and Rules thereunder.

The following may be inserted at the end of para 2:—

“ Provided that the rates leviable for the supply of water for irrigation from new irrigation works constructed at an outlay of less than one lakh of rupees and not falling under Chapter V of this Regulation shall be fixed in conformity with the provisions of the Land Revenue Code and the Rules thereunder.”

In clause 14, the following changes were suggested:—

(i) The marginal note to be altered into “Supply of water not to be stopped except under certain circumstances;”

(ii) Insert, after para (b), the following as para (c):—

“ (c) whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water.”

(iii) Change the present clause (c) into clause (d).

In clause 15, it was decided that, instead of the first para of this clause, a clause on the lines of Section 15 of the Tank Panchayet Regulation, with suitable alterations, be substituted.

Regarding para 2, it was agreed that the period for preferring an appeal should count from the date of the service of the order and that a further appeal should be allowed as in the case of clause 8.

There was a difference of opinion regarding the quantum of remission, some desiring that it should be more than half, and it was decided by a majority that it should be one-half of the assessment. (Some of the co-opted members of the Representative Assembly were against this decision.)

The clause would read as follows:—

(1) “An Irrigation Officer specially empowered by Government, in this behalf, may, in any year, having regard to the quantity of water available in any irrigation work under his control determine the portion of the wet lands in the irrigable area of such irrigation work to be cultivated with wet crops, or with dry or semi-dry crops, and regulate the supply of water for irrigation accordingly.

(2) If, in accordance with a decision of the Irrigation Officer under subsection (1), any land assessed as wet is not supplied with water for raising wet crops, the holder of such land shall be entitled to remission of one-half of the assessment of such land.

Against the order of the Irrigation Officer under this section, an appeal shall lie within thirty days from the date of the service of the said order, to the Deputy Commissioner of the District, and as against his decision, a second appeal shall lie within ninety days from the date of the service of this order, to the Revenue Commissioner whose decision shall be final."

It was the general opinion that Government may be requested to provide, in the rules to be framed by them, that the Irrigation Officer may exercise the powers under this section in consultation with Tank Panchayets (where such exist) or Special Irrigation Committees to be formed for the purpose.

(NOTE.—This section as amended will not be inconsistent with section 13. In the rules to be framed under section 13, one of the terms should be that the supply of water will be subject to the powers of the Irrigation Officer under section 15.)

Clause 16.—Para 1 of this clause was approved.

In respect of para 2, the following amendments were suggested:—

- (i) Insert "any work or " between the words "use of " and "land " in the first line, and
- (ii) Add the following words at the end of the para:—
"except when such right is transferred with the land, building or other immovable property having such right."

CHAPTER V.

In the heading of this Chapter, the alteration of the word "maintenance " into "improvement " was suggested.

The following changes were suggested in clause 17 :—

- (i) omit "is not likely to be remunerative " and substitute "cannot be undertaken ";
- (ii) omit "an " in "payment of an acreage "; and add "a specified " between "payment of " and "acreage ";
- (iii) omit the words "in accordance with such rules as may be framed by the Government."

It was the opinion of the Committee that in regard to irrigation works costing less than Rs. 25,000 the present procedure of taking up such works without payment of contribution or on payment of voluntary contribution should be continued.

The following may be added as para 2 :—

"Nothing contained in this chapter shall be deemed to preclude Government from undertaking the construction and improvement of any Irrigation Work without recovery of contribution or after recovery of contribution on a voluntary basis from the persons benefited."

ABSTRACT OF THE PROCEEDINGS OF THE FOURTH MEETING
OF THE SELECT COMMITTEE CONTINUED ON THE SECOND
DAY, 18TH AUGUST 1931.

All the members of the Committee, and all the Co-opted members of the Representative Assembly except Mr. H. Nanjundaraj Urs, were present.

Clause 17.—The following modifications were suggested in addition to those made on the first day.

Substitute “shall” for ‘may’ where it occurs for the second time in that clause.

The point that Government should have the power to dispense with the elaborate procedure enacted in this chapter in cases of smaller works or where people come forward with voluntary contributions which was discussed on the previous day was further examined. It was finally resolved that a para as follows should be added :—

“The Government may by notification in the *Official Gazette* declare that the provisions of this section shall not apply to the construction or improvement of any irrigation work or any class of irrigation works.”

It was also agreed that a recommendation should be made to the Government to exempt tanks costing Rs. 25,000 or less from the provisions of this Chapter.

There was discussion as to what the term “Improvement” in this section meant and it was decided to add an *Explanation* to the following effect :—

“Improvement in this chapter means only such improvement of an irrigation work as will enhance the supply of water available therein for irrigation.”

The question arose whether the enhancement in supply should be in comparison with the supply existing at the time of the undertaking of the improvement or in comparison with the original supply as it was at the time of the construction of the Irrigation Works. The latter proposition was urged by some but it was not carried. The clause as amended would run as follows :—

“Whenever it appears to the Government that the construction or improvement of an Irrigation Work in any local area *cannot be undertaken* unless, on the lands Irrigable by such work, payment of a *specified* acreage contribution or water rate or both, is guaranteed, the Government *shall* direct the Deputy Commissioner or any other officer appointed by them in this behalf to hold an enquiry in the manner hereinafter provided.

“The Government may by notification in the *Official Gazette* declare that the provisions of this Section shall not apply to the construction or improvement of any irrigation work or any class of irrigation works.”

Explanation.—“Improvement in this Chapter means only such improvement of an irrigation work as will enhance the supply of water available therein for irrigation.”

Clauses 18, 19 and 20 were approved.

Clause 21.—In sub-clause (2) it was decided to change the word ‘one-half’ into ‘one third’ in accordance with the existing rule.

The periodical revision of water rate provided for in sub-clause (3) was the subject of a lengthy discussion. Mr. Belur Srinivasaiengar suggested that there should be no enhancement of water rate except by mutual consent. This was put to vote and lost. Mr. H. C. Dasappa proposed a proviso as follows :—

‘Provided the revised water rate and the assessment together do not exceed the wet assessment prescribable according to the rules under the Land Revenue Code.’ This found no support.

Ultimately it was resolved to modify the sub-clause as follows:—

“The water rate referred to in clause (e) of sub-section (1) shall be liable to revision after the expiry of a period of ten years and thereafter at intervals of not less than fifteen years.”

It was also decided to make a recommendation to Government that the rate of increase should not exceed 25 per cent and that a provision to this effect should be inserted in the Rules to be framed.

Clause 22 was approved.

CHAPTER VI.

It was decided to delete from this Chapter the provisions relating to impressment of materials in emergencies. The words ‘and of materials’ in the heading of the Chapter are to be omitted.

Clause 23.—Omit ‘and materials’ in the marginal note.

Consistently with the decision arrived at the first and third meetings, it was decided to replace the word ‘labourers’ in para (4) of sub-clause (1) by the words ‘able bodied male persons.’

Sub-clause (ii) was decided to be deleted.

Clause 24.—The following changes were made:—

- (i) Omit the words ‘or whose materials may be taken under this section.’
- (ii) Omit the words ‘or for such materials.’

Clause 25 was deleted.

A new clause was added on the lines of section 60 of the Bombay Act. This will be numbered as clause 25. It is as follows:—

“An order made under section 23 shall be immediately reported to the
Reports to be made by Irrigation Officer. Deputy Commissioner.

In clause 26 the words “or section 25” were deleted.

As several non-official members expressed inconvenience to meet on the following day, it was decided to meet again on the 2nd September 1931 and the following days to finish the consideration of the Bill.

C. SUBRAMANYA AIYAR,
Secretary to the Select Committee.

PROCEEDINGS OF THE FIFTH MEETING OF THE SELECT
COMMITTEE TO CONSIDER THE MYSORE IRRIGATION BILL,
HELD ON 2ND SEPTEMBER 1931.

PRESENT.

Rajamantrapravina K. Matthan, B.A.,

First Member of Council. (*Chairman*).

All the members except Messrs. S. Hiriannaiya and H. C. Dasappa and all the invitees from the Representative Assembly were present.

The proceedings of the Fourth Meeting had been printed and circulated to the Members and they were adopted.

Clause 27.—After a prolonged discussion as regards the scope of the chapter, it was ultimately resolved to amend the clause as follows:—

“The provisions of this Chapter shall apply to tanks, river and spring channels, and other irrigation works which have been brought upto standard and handed over to the raiyats for upkeep.”

Clause 28.—A few members suggested that the liability to perform customary labour should be restricted to those who are directly benefited by irrigation, *viz.*, holders of wet or garden lands. The majority did not approve of this and wanted the clause to remain as it is. The following amendments were adopted:—

(1) Omit the words “or drainage” in the second line of sub-clause (i).
para (1).

(2) Add the words “in the earth work” at the end of Clause (i) (a) after “holes”.

(3) Omit the words “of all tanks” in clause (i) (g).

(4) In sub-clause (ii) omit the words “a flat rate per acre of holding” and insert the words “such rates as may be fixed under rules made in this behalf”.

Also add the following words after the words “bound to perform the same”:—

“provided that no such order of commutation shall be made except with the consent of two-thirds of the number of persons bound to perform such labour.”

Clause 29.—Omit the words “or drainage” in the second line.

Clause 30.—The following amendments were adopted:—

(1) Omit the words “during the execution of any work”.

(2) Omit the words “such work” and insert the words “any work under this chapter”.

(3) Omit the words “upon the report of the Patel, the Irrigation Officer” and insert the words “or other officer empowered by Government in this behalf”.

(4) Omit the word “labourers” and insert the word “labour”.

Clause 31.—The clause was approved.

Clause 32.—It was agreed after discussion that the sum levied from a person failing to render customary labour should be the value of such labour and not in excess of it.

The following amendments were adopted:—

(1) Omit the words “a sum not exceeding twice.”

(2) Add the words “of service” after the words “from the date” in para 2.

It was suggested by a few members that a clause should be added that in the case of cumulative neglect of maintenance, the sum recoverable from the persons bound to perform customary labour should not be greater than one year's assessment of the lands included in the *atchket*, of the tank. This was not approved by the majority of the Committee.

The Committee desired to record in this connection that they strongly feel that the Government should impress on their officers that tanks should be inspected regularly, that maintenance work should not be allowed to accumulate, and that the officers neglecting their duty will be dealt with suitably.

CHAPTER VIII.

Clause 33.—The following amendments were adopted:—

(1) The words "Whoever voluntarily and without proper authority" to be placed at the commencement as the first para and the figure (i) to be placed before the word "damages."

(2) Omit the words "or drainage" wherever they occur, in this clause, since the definition of "Irrigation work" includes "drainage works" also.

(3) Correct the figures "43" into "44" in sub-clauses vii and xi.

(4) Add the words "after he has been desired to desist therefrom" at the end of clause vii.

(5) The word "whoever" in clause xii to come after the previous "and" and the figure "xii" before "being responsible."

(6) The words in clause xii commencing from "shall be deemed to commit.....rupees" to be put in as a separate para in the following amended form—

"shall be deemed to commit an offence under this Regulation and shall, on conviction before a Magistrate be punished for each such offence as is mentioned in sub-sections (i) to (vi), x and xii of this section with fine which may extend to one hundred rupees, and for each such offence as is mentioned in sub-sections vii, viii, ix and xi with fine which may extend to fifty rupees."

Clause 34.—The following amendments were made:—

(1) Omit the words "lawful excuse" and insert the words "sufficient and reasonable cause."

(2) Omit the words "one hundred" and insert the word "fifty."

(3) Omit the words "or with simple imprisonment which may extend to one month or with both."

Clause 35.—It was resolved to omit the section since the Cr. P. C. will regulate summary trials according to the nature of the offence and the powers of the trying Magistrate.

SECOND DAY (3RD SEPTEMBER 1931.)

All the members except Mr. S. Hiriannaiya were present.

Clause 36.—It was resolved to omit the words "or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work."

Clause 37.—There was prolonged discussion as regards the principle underlying this clause. It was not acceptable to the Committee in the form as it stood. It was the sense of the Committee that provision should be made for the constitution of Irrigation Panchayets or Committees and that certain powers should be entrusted to them by the Government, that powers similar to the one in clause 37 may be delegated to such Panchayets and that a suitable section therefor may be framed.

Clause 38.—This was approved with an amendment to omit the word "offence" in the proviso and insert the words "act or omission."

Clause 39.—It was resolved that clause 39 be deleted and a section similar to section 64 of the Bombay Act be adopted. It will read as follows :—

“Any person in charge of, or employed upon any irrigation work, may remove from the lands or buildings belonging thereto, or may take into custody without a warrant, and take forthwith before a Magistrate or to the nearest Police Station to be dealt with according to law, any person who within his view—

(1) wilfully damages, obstructs or fouls any irrigation work, or

(2) without proper authority interferes with the supply or flow of water, in or from any irrigation work so as to endanger, damage, or render less useful any irrigation work.”

CHAPTER IX.

Clause 40.—Insert the words “or any irrigation officer subordinate to it or him” after the words “Deputy Commissioner.”

Insert the words “correctness, legality or” between the words “as to the” and “propriety.”

In para 2 omit the words “of a Deputy Commissioner” and insert the words “so called for.”

Insert at the end of the clause the words “in cases in which such order or decision is not declared by this Regulation to be final.”

Clause 41.—This was approved.

Clause 42.—Delete clause 42, and insert a provision as follows :—

“Service of any notice under this Regulation shall be made in accordance with the provisions of the Code of Civil Procedure.”

Clause 43.—Insert the words “Chapter V,” before the words “Chapter VI.”

Clause 44.—This was approved.

Mr. K. Changalraya Reddy suggested that some provisions should be inserted as in the Bombay Act relating to “Award of Compensation” to persons for injury that may be caused by the exercise of the powers under this Regulation. After some discussion Mr. Changalraya Reddy agreed to send to the Secretary a draft of the clauses he would suggest by the 14th instant so that they may be considered at the next meeting.

It was agreed that the next meeting may be held on the 21st and if necessary continued on the 22nd instant.

(Sd.) C. SUBRAMANYA AIYAR,
Secretary to the Select Committee

Copy of the same will be sent
soon after receipt

CHAPTER.

Of Irrigation Panchayets and Boards.

Constitution of an
Irrigation Pancha-
yet.

1. Subject to such general or special rules as the Government may make in this behalf, the Deputy Commissioner may, when he is satisfied that a substantial demand exists, constitute an Irrigation Panchayet for a village or for an individual irrigation work or part of such work.

Such Panchayet shall consist of the Patel and the Shanbhog and of 3 or more other members who shall be elected in accordance with rules made under this Regulation, by and from among occupiers of land who are interested by reason of such occupation in the proper maintenance of such work.

The elected members shall hold office for a period of three years, but shall be eligible for re-election. Provided that an elected member shall be deemed to have vacated his office as soon as he ceases to possess the aforesaid qualification.

Constitution of an
Irrigation Board.

2. Subject to such general or special rules as the Government may make in this behalf the Deputy Commissioner may constitute an Irrigation Board consisting of two or more panchayets or delegates therefrom in respect of an Irrigation work irrigating more than one village.

The appointment of delegates to Irrigation Boards shall be made in accordance with rules framed under this Regulation and every delegate shall hold his office only for such time as he continues to be a member of the Panchayet of which he is a delegate.

3. The provisions of the following sections as regards Panchayets shall also apply as far as possible to Irrigation Boards.

4. The Government may by rules to be framed in this behalf in respect of any Irrigation Work or class of Irrigation Works.

(a) prescribe the functions of an irrigation panchayet ;

(b) prescribe the procedure to be adopted by an Irrigation Panchayet ; and

(c) delegate to any Irrigation Panchayet any of the powers vested in the Government or in an Irrigation Officer under this Regulation.

Dissolution of
Panchayet.

5. If in the opinion of the Deputy Commissioner any Panchayet persistently makes default in the performance of the duties imposed upon it by this Regulation or rules thereunder or exceeds or abuses its powers, such Deputy Commissioner may, after giving an opportunity to the members of the Panchayet to be heard in their defence, order the Panchayet to be dissolved.

In place of Cl. 37 of the Irrigation Bill the following amended form is suggested.

37. When the person causing any damage, alteration, enlargement or obstruction to any Irrigation work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may on the recommendation of the Irrigation Board or the Irrigation Panchayet concerned with the work, after giving not less than one month's notice to the occupiers of all lands benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration, enlargement or obstruction, in such proportion as he thinks fit.

PROCEEDINGS of the SIXTH Meeting of the
Select Committee to consider the Mysore Irrigation
Bill, held on 21st September 1931.

Present.

Rajamantrapravina K. Matthan, B.A.,
First Member of Council. (Chairman)

All the members except Mr. h.C. Dasappa and
all the invitees from the Representative Assembly
were present.

The Proceedings of the Fifth meeting had been
circulated to the members and they were adopted.

The Chapter on Irrigation Panchayets and
Boards and a suitable clause in place of clause 3'
~~which had been deleted~~ were drafted by the -
Secretary to the Committee and circulated.

Another Chapter on the Award of Compensation which
was drafted by Mr. K. Chengalaraya Reddy ^{has} ~~was~~ also
been circulated.

The Clauses in regard to the Award of
Compensation as adopted ~~are~~ read as follows:-

Chapter V
Of the Award of Compensation.

Compensation awardable
for damage.

17. (1). Compensation may be awarded
in respect of any substantial damage caused
by the exercise of any of the powers
conferred by this Regulation, which is
capable of being ascertained at the time of
awarding such compensation :

Provided that no Compensation shall
be so awarded in respect of any damage -
arising from —

(a) deterioration of climate or soil; *or*

(b) stoppage of navigation, *or* of the
means of floating timber or of
watering cattle ; *or*

(c) the stoppage or diminution of the
supply of water of any river or
stream flowing in a natural -
channel or of any lake or natural
collection of still water by the
application of such supply for
the purposes of a new irrigation
work or otherwise except in so
far as a right to the use of such
supply may be established; *or*

(d) failure or stoppage of the water *in*
Channel — ~~a canal~~, when such failure or
stoppage is due to -

(1) any cause beyond the control
of Government,

(2) the execution of any repairs,
alterations or additions to the -
Channel ~~canal~~, *or*

Irrigation (3) any measures considered
necessary by any ~~canal~~ *irrigation* officer
duly empowered in this behalf for
regulating the proper flow of water
Channel in the ~~canal~~, *or* for maintaining the
established course of irrigation;

Remission of
water-rates when
allowable..

~~but~~ any person who suffers loss from any
stoppage or diminution of his water-supply
due to any of the causes named in clause (d)
of this section shall be entitled to such
remission of the water-rate payable by him
as may be authorised by the *Government*.

Limitation of
claims.

(2) No claim for compensation for any
age shall be entertained after the expiration
one year from the time when the damage
explained of commenced, unless the Deputy
missioner is satisfied that the claimant
had sufficient cause for not making the claim
within such period.

Compensation for
damage caused by
entry on land, etc.

19. (3) In every case of entry upon any land
or building under Sections 5 and 6, the Irriga-
tion officer or the person making the entry
shall ascertain and record the extent of the
damage, if any, caused by the entry, or in the
execution of any work to any crop, tree, -
building or other property,

and within one month from the date of
such entry compensation shall be tendered by an
irrigation officer duly empowered in this behalf
to the landholder or owner of the property
damaged.

20. (4) If such tender is not accepted, the
Irrigation Officer shall forthwith refer the
matter to the ~~Deputy Commissioner~~ for the purpose of
making enquiry as to the amount of compensation
and deciding the same.

Claims to be
preferred to
the Deputy -
Commissioner.

21. (5) All claims for compensation under this
Regulation other than claims of the nature
provided for in sections , must be made
before the Deputy Commissioner of the district
in which such claim arises.

Claims of compensation
to be preferred to
Deputy Commissioner.

7. Subject to the provisions of the above section , all claims for compensation shall be made to the Deputy Commissioner having jurisdiction over the local area wherein the land or part thereof in respect of which damage is alleged to have been caused is situate.

Deputy Commissioner to
determine the amount
of compensation.

The Deputy Commissioner shall enquire into all claims under the preceeding section and determine the amount of compensation, if any, which should be awarded.

Reference to Civil Courts 238.
in certain cases.

An appeal shall lie to the Revenue Commissioner from the decision of the Deputy Commissioner under either of the three preceeding sections as to the amount of compensation to be awarded within three months from the date of such decision and the decision of the Revenue Commissioner thereon shall be final.

compensation when due.

24 9. All sums of money payable for compensation awarded under this chapter shall become due three months after the final award has been made;

and, simple interest at the rate of ~~Six per centum~~ 6% per annum shall be allowed on any such sum remaining unpaid after the said three months, except when the non-payment of such sum is caused by the neglect or refusal of the claimant to apply for or receive the same.

Government that rules be framed regarding the
procedure adopted for awarding compensation.

~~These~~ will be inserted as Chapter V, the
clauses being numbered as clauses 17 to ²⁴~~23~~,
and the numbering of the subsequent clauses
being suitably changed.

~~8~~
The clauses in regard to the Irrigation
Panchayets and Boards, as adopted, read as
follows:-

Constitution of an
Irrigation Panchayet.

xx

Chapter VII A.

1. Subject to such general or special
rules as the Government may make in this
behalf, the Deputy Commissioner may, when he
is satisfied that a demand exists, constitute
an Irrigation Panchayet for a village.

Such Panchayet shall consist of the Patel
and the Mahabog of the village who shall be
Ex Officio members and of not less than five
and not more than seven other members who
shall be elected in accordance with rules made
under this Regulation, by and from among
occupiers of land who are interested by
reason of such occupation in the proper
maintenance of such work.

The elected members shall hold office for
a period of three years, but shall be
eligible for re-election. Provided that an
elected member shall be deemed to have vacated
his office if he ceases to possess the afore-
said qualification, or if he absents himself
without reasonable or sufficient cause from
three consecutive meetings.

2. Subject to such general or special rules as the Government may make in this behalf the Deputy Commissioner may constitute an Irrigation Board consisting of two or more Panchayets or delegates therefrom in respect of an irrigation work irrigating more than one village.

The appointment of delegates to Irrigation Boards shall be made in accordance with rules framed under this Regulation and every delegate shall hold his office only for such time as he continues to be a member of the Panchayet of which he is a delegate.

3. The provisions of the following - sections as regards Panchayets shall also apply as far as possible to Irrigation Boards.

4. The Government may by ~~rule~~ rules to be framed in this behalf —

- (a) prescribe the functions of an irrigation panchayet;
- (b) prescribe the procedure to be adopted by an Irrigation Panchayet; and
- (c) delegate to any Irrigation Panchayet any of the powers vested in the Government or in a Deputy Commissioner or in an Irrigation Officer under this Regulation.

Dissolution of
Panchayet.

5. If in the opinion of the Deputy Commissioner any Panchayet persistently makes default in the performance of the duties imposed upon it by this Regulation or rules thereunder or exceeds or abuses its powers, such Deputy Commissioner may, after giving an opportunity to the members of the Panchayet to be heard in their defence, order the Panchayet to be dissolved.

It was decided that the Bill as amended may be circulated together with a draft of the report of the Select Committee, and a meeting be convened about the end of October or the beginning of November 1931 for their adoption.

PROCEEDINGS OF THE SIXTH MEETING OF THE SELECT COMMITTEE TO CONSIDER THE MYSORE IRRIGATION BILL, HELD ON 21ST SEPTEMBER 1931.

PRESENT.

Rajamantrapravina K. Matthan, B.A.,

First Member of Council. (*Chairman*).

All the members except Mr. H. C. Dasappa and all the invitees from the Representative Assembly were present.

The Proceedings of the Fifth meeting had been circulated to the members and they were adopted.

The Chapter on Irrigation Panchayets and Boards and a suitable clause in place of Clause 37 had been drafted by the Secretary to the Committee and circulated. Another Chapter on the Award of Compensation which was drafted by Mr. K. Chengalaraya Reddy had also been circulated.

The Clauses in regard to the Award of Compensation as adopted read as follows:—

CHAPTER V.

Of the Award of Compensation.

Compensation
awardable for
damage.

17. ~~(3)~~ Compensation may be awarded in respect of any substantial damage caused by the exercise of any of the powers conferred by this Regulation, which is capable of being ascertained at the time of awarding such compensation:

Provided that no Compensation shall be so awarded in respect of any damage arising from—

(a) deterioration of climate or soil; or
(b) stoppage of navigation, or of the means of floating timber or of watering cattle; or

(c) the stoppage or diminution of the supply of water of any river or stream flowing in a natural channel or of any lake or natural collection of still water by the application of such supply for the purposes of a new irrigation work or otherwise except in so far as a right to the use of such supply may be established; or

(d) failure or stoppage of the water in a Channel, when such failure or stoppage is due to—

(1) any cause beyond the control of Government,
(2) the execution of any repairs, alterations or additions to the Channel, or

(3) any measures considered necessary by any Irrigation Officer duly empowered in this behalf for regulating the proper flow of water in the Channel, or for maintaining the established course of irrigation;

Remission of
water-rates when
allowable.

but any person who suffers loss from any stoppage or diminution of his water-supply due to any of the causes named in clause (d) of this section shall be entitled to such remission of the water-rate payable by him as may be authorised by the Government.

Limitation of
claims.

18. ~~(2)~~ No claim for compensation for any damage shall be entertained after the expiration of one year from the time when the damage complained of commenced, unless the Deputy Commissioner is satisfied that the claimant had sufficient cause for not making the claim within such period.

Compensation for damage caused by entry on land, etc.

19. (2) In every case of entry upon any land or building under Sections 5 and 6, the Irrigation Officer or the person making the entry shall ascertain and record the extent of the damage, if any, caused by the entry, or in the execution of any work to any crop, tree, building or other property;

and within one month from the date of such entry, compensation shall be tendered by an Irrigation Officer duly empowered in this behalf to the land-holder or owner of the property damaged.

20. (4) If such tender is not accepted, the Irrigation Officer shall forthwith refer the matter to the Deputy Commissioner for the purpose of making enquiry as to the amount of compensation and deciding the same.

Claims to be preferred to the Deputy Commissioner.

21. (2) All claims for compensation under this Regulation other than claims of the nature provided for in section 19, must be made before the Deputy Commissioner of the district in which such claim arises.

Claims of compensation to be preferred to Deputy Commissioner.

22. (2) Subject to the provisions of the above section 21, all claims for compensation shall be made to the Deputy Commissioner having jurisdiction over the local area wherein the land or part thereof in respect of which damage is alleged to have been caused is situate.

Deputy Commissioner to determine the amount of compensation.

The Deputy Commissioner shall enquire into all claims under the preceding section and determine the amount of compensation, if any, which should be awarded.

Reference to Civil Courts in certain cases.

23. (2) An appeal shall lie to the Revenue Commissioner from the decision of the Deputy Commissioner under either of the three preceding sections as to the amount of compensation to be awarded within three months from the date of such decision and the decision of the Revenue Commissioner thereon shall be final.

Compensation when due.

24. (2) All sums of money payable for compensation awarded under this chapter shall become due three months after the final award has been made;

and simple interest at the rate of six per centum per annum shall be allowed on any such sum remaining unpaid after the said three months, except when the non-payment of such sum is caused by the neglect or refusal of the claimant to apply for or received the same.

This will be inserted as Chapter V, the clauses being numbered as clauses 17 to 24, and the numbering of the subsequent clauses being suitably changed.

The Committee decided to recommend to Government that rules be framed regarding the procedure adopted for awarding compensation.

The clauses in regard to the Irrigation Panchayets and Boards, as adopted, read as follows:—

CHAPTER VIIA.

Constitution of an Irrigation Panchayet.

1. Subject to such general or special rules as the Government may make in this behalf, the Deputy Commissioner may, when he is satisfied that a demand exists, constitute an Irrigation Panchayet for a village.

Such Panchayet shall consist of the *Patel* and the *Shanoo* of the village who shall be *Ex-Officio* members and of not less than five and not more than seven other members who shall be elected in accordance with rules made under this Regulation, by and from among occupiers of land who are interested by reason of such occupation in the proper maintenance of such work.

The elected members shall hold office for a period of three years, but shall be eligible for re-election. Provided that an elected member shall be deemed to have vacated his office if he ceases to possess the aforesaid qualification, or if he absents himself without reasonable or sufficient cause from three consecutive meetings.

Constitution of
an Irrigation Board.

2. Subject to such general or special rules as the Government may make in this behalf the Deputy Commissioner may constitute an Irrigation Board consisting of two or more Panchayets or delegates therefrom in respect of an irrigation work irrigating more than one village.

The appointment of delegates to Irrigation Boards shall be made in accordance with rules framed under this Regulation and every delegate shall hold his office only for such time as he continues to be a member of the Panchayet of which he is a delegate.

3. The provisions of the following sections as regards Panchayets shall also apply as far as possible to Irrigation Boards.

4. The Government may by rules to be framed in this behalf :—

(a) prescribe the functions of an irrigation panchayet;
(b) prescribe the procedure to be adopted by an Irrigation Panchayet; and

(c) delegate to any Irrigation Panchayet any of the powers vested in the Government or in a Deputy Commissioner or in an Irrigation Officer under this Regulation.

Dissolution of
Panchayet.

5. If in the opinion of the Deputy Commissioner, any Panchayet persistently makes default in the performance of the duties imposed upon it by this Regulation or rules thereunder or exceeds or abuses its powers, such Deputy Commissioner may, after giving an opportunity to the members of the Panchayet to be heard in their defence, order the Panchayet to be dissolved.

6. An appeal shall lie to the Revenue Commissioner against the order of the Deputy Commissioner under this section and the order on such appeal shall be final.

In place of clause 37 which has been deleted, the following clause was decided to be substituted :—

37. When the person causing any damage, alteration, enlargement or obstruction to any Irrigation work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may on the recommendation of the Irrigation Board or the Irrigation Panchayet concerned with the work, after giving not less than one month's notice to the occupiers of all lands benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration, enlargement or obstruction, in such proportion as he thinks fit.

It was decided that the Bill as amended may be circulated together with a draft of the report of the Select Committee, and a meeting be convened about the end of October or the beginning of November 1931 for their adoption.

C. SUBRAMANYA AIYAR,
Secretary to the Select Committee.

22241/p

Notice of ~~the~~ amendment dated 22nd November 1931

by

Messrs. H.C. Dasappa and M. Mahomed Sait.

Add the following proviso to sub-section(3) of Section 29 of the
Irrigation Bill:-

"Provided that when any such revision results in an
increase ^{of} ~~water~~ rate such increase should not exceed
25 per cent of the rate prevailing at the time of
revision."

Serial
No.

Draft report of the
Select Committee on the Immigration
Bill is submitted for consideration.
Some changes may have to be
made after tomorrow's meeting.

Prof. (Lambert)

Cl.
20/5/38

Myke considered in Chamber

by
Mr

Lambert

19th August 1932.

From

N. Madhava Rao, Esq., B.A., B.L.,
Chief Secretary to Government, Bangalore.

To

The Secretary to the Hon'ble the Resident
in Mysore, Bangalore.

Sir,

I am directed to forward herewith nine copies
of the Mysore Irrigation Regulation, 1932 (Regula-
tion I of 1932).

I have the honor to be,

Sir,

Your most obedient servant,

Chief Secretary to Governmen

SUBJECT.....

Section *Lugis*File No. *32-31*Serial No. *1*

Diary No. of letter replied to

No. *Pol. 198 6/9*

To

*The Secretary to the
Hon'ble the Resident*

General and Revenue Secretariat

()

the 193

*Sir,*Date of issue *22-8-32**I am directed to
forward herewith nine
copies of an Enquiry
Investigation Reg'n, 1932 (Regulation
I of 1932.)*Signed by *M. N. M.**I have etc**W
Chief Secy to Gov*

List of enclosures

*Am
17/8*

Copied by

Examined by

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT

(clause ii of the schedule)

The Mysore Irrigation Bill.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

M. S. Shetty

Chief Secretary to Government.

8th February 1930.

4685
102 First Member of Council.

7 mile
9.2.30

Second Member of Council.

(Seen)

7621
18/2 Third Member of Council.

ku
11.1.31